

struction, purchase of buildings, and other matters; to the Committee on Public Buildings and Grounds.

By Mr. RIZLEY:

H. R. 5408. A bill restricting importations of wool; to the Committee on Ways and Means.

By Mr. GRANT of Indiana:

H. R. 5409. A bill to grant to enlisted personnel of the armed forces certain benefits in lieu of accumulated leave; to the Committee on Military Affairs.

By Mr. McGEHEE (by request):

H. R. 5410. A bill for the relief of the estate of the District of Columbia; to the Committee on the District of Columbia.

By Mr. REECE of Tennessee:

H. R. 5411. A bill to provide for retirement of certain officers; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AUCHINCLOSS:

H. R. 5412. A bill for the relief of the estate of Thomas Gambacorto; to the Committee on Claims.

By Mr. KEFAUVER:

H. R. 5413. A bill to accept the renunciation by Albert W. Johnson of pension under section 260 of the Judicial Code; to the Committee on the Judiciary.

By Mr. McDONOUGH:

H. R. 5414. A bill for the relief of Marie Gorak; to the Committee on Claims.

By Mr. REECE of Tennessee:

H. R. 5415. A bill for the relief of James F. Petty; to the Committee on Military Affairs.

By Mr. ROBSION of Kentucky:

H. R. 5416. A bill granting a pension to Abiah Wombles; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1529. By Mr. GRAHAM: Petition of 26 members of the Woman's Auxiliary to Beaver County Medical Society of Allegheny, Beaver County, Pa., opposing Senate bill 1606 and House bill 4730; to the Committee on Interstate and Foreign Commerce.

1530. By Mr. KILDAY: Petition of 2,530 officers and enlisted men stationed at Harmon Field, Guam, with reference to the War Department's demobilization program; to the Committee on Military Affairs.

1531. By the SPEAKER: Petition of the American Council on Education, petitioning consideration of their resolution with reference to urging the adoption of House Joint Resolution 305 and Senate Joint Resolution 135; to the Committee on Foreign Affairs.

SENATE

THURSDAY, FEBRUARY 7, 1946

(Legislative day of Friday, January 18, 1946)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Reverend Edgar W. Beckett, First Methodist Church, Hyattsville, Md., offered the following prayer:

Our Heavenly Father, Thou who art high above all and yet strangely near to each one of us, we come into Thy holy presence. We come to offer unto Thee

ourselves, that we might hold aloft the torch to a people groping in a fog—groping to find the way. Truly in us is the destiny of a great nation. We are the channels through which Thou must act; we are Thine instruments, Thy hands. We pray to be holy, acceptable unto Thee. Walk Thou through the corridors of our hearts, open Thou every secret door, unlock every cupboard, and whatsoever Thou dost find unclean therein cleanse it. We want nothing within to mar the beauty and activity of Thy spirit. This we pray in the name of our Saviour, who is indeed the light of the world. Amen.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Swanson, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 380) to establish a national policy and program for assuring continuing full employment and full production in a free competitive economy through the concerted efforts of industry, agriculture, labor, State and local governments, and the Federal Government.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 480. An act to authorize the sale of the allotment of Henry Keiser on the Crow Indian Reservation, Mont.;

S. 815. An act for the relief of Ogden and Dougherty, and for other purposes;

S. 831. An act for the relief of James Alves Saucier;

S. 845. An act for the relief of Mabel Fowler;

S. 905. An act for the relief of Harold E. Bullock;

S. 991. An act for the relief of Mr. and Mrs. Marion M. Hill;

S. 1077. An act for the relief of Oscar S. Reed;

S. 1081. An act for the relief of Aftab Ali;

S. 1142. An act for the relief of Florence Barrows;

S. 1158. An act for the relief of Winter Bros. Co.;

S. 1231. An act for the relief of Paul E. Tacy;

S. 1294. An act for the relief of Mr. and Mrs. Allan F. Walker;

S. 1296. An act for the relief of John A. Hatcher;

S. 1323. An act for the relief of the estate of William Carl Jones;

S. 1332. An act for the relief of the legal guardian of Wayne Edward Wilson, a minor;

S. 1360. An act to compensate Benali El Oukili Boucheta, an inhabitant of French Morocco, for the wrongful death of his son, Mohamed Ben Boucheta Ben Ali El Oukili, near Marnia, Algeria, on September 30, 1944;

S. 1361. An act to compensate Clement Euziere, an inhabitant of French Morocco, for personal injuries caused by a naval vehicle near Oran, Algeria, on September 21, 1943;

S. 1448. An act for the relief of William Wilson Wurster; and

S. 1590. An act to authorize the President to appoint Graves Blanchard Erskine, major general, United States Marine Corps, to the office of Retraining and Reemployment Administrator, without affecting his service status and perquisites.

CALL OF THE ROLL

Mr. RUSSELL. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Gurney	Murray
Austin	Hart	O'Daniel
Bailey	Hatch	Overton
Ball	Hawkes	Pepper
Bankhead	Hayden	Radcliffe
Barkley	Hickenlooper	Reed
Bilbo	Hill	Revercomb
Brewster	Hoey	Robertson
Bridges	Johnson, Colo.	Russell
Briggs	Johnston, S. C.	Saitonstall
Buck	Kilgore	Shipstead
Bushfield	Knowland	Smith
Butler	La Follette	Stanfill
Byrd	Langer	Stewart
Capehart	Lucas	Taft
Capper	McCarran	Taylor
Carville	McClellan	Thomas, Okla.
Cordon	McFarland	Thomas, Utah
Donnell	McKellar	Tobey
Downey	McMahon	Tunnell
Eastland	Magnuson	Tydings
Ellender	Maybank	Walsh
Ferguson	Mead	Wheeler
Fulbright	Millikin	Wherry
George	Mitchell	White
Gerry	Moore	Wiley
Gossett	Morse	Willis
Green	Murdock	Wilson

Mr. HILL. I announce that the Senator from New Mexico [Mr. CHAVEZ], the Senator from Virginia [Mr. GLASS], and the Senator from New York [Mr. WAGNER] are absent because of illness.

The Senator from Florida [Mr. ANDREWS] and the Senator from Wyoming [Mr. O'MAHONEY] are necessarily absent.

The Senators from Pennsylvania [Mr. GUFFEY and Mr. MYERS] and the Senator from Ohio [Mr. HUFFMAN] are detained on public business.

The Senator from Texas [Mr. CONNALLY] is absent on official business as a representative of the United States attending the first session of the General Assembly of the United Nations, now being held in London.

Mr. WHERRY. The Senator from Michigan [Mr. VANDENBERG] is absent on official business as a representative of the United States attending the first session of the General Assembly of the United Nations, now being held in London.

The Senator from Illinois [Mr. BROOKS] is necessarily absent.

The Senator from North Dakota [Mr. YOUNG] has been excused and is absent on official business.

The PRESIDENT pro tempore. Eighty-four Senators having answered to their names, a quorum is present.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

BOARD OF VISITORS TO NAVAL ACADEMY

The PRESIDENT pro tempore. Under authority of law, the Chair appoints the Senator from Louisiana [Mr. OVERTON], the Senator from Pennsylvania [Mr. MYERS], the Senator from Oregon [Mr. MORSE], and the Senator from Washington [Mr. MAGNUSON] members of the

Board of Visitors to the Naval Academy. The Chair will state that under the law the chairman of the Committee on Naval Affairs, the Senator from Massachusetts [Mr. WALSH], is an ex officio member of the Board.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

PERSONNEL OF THE LAND FORCES

A letter from the Secretary of War, reporting, pursuant to law, the number of men in active training and service in the land forces on November 30, 1945, under section 3 (b) of the Selective Training and Service Act of 1940; to the Committee on Military Affairs.

SUSPENSION AND DEPORTATION OF ALIENS

A letter from the Attorney General, transmitting, pursuant to law, a report reciting the facts and pertinent provisions of law in the cases of 350 individuals whose deportation has been suspended for more than 6 months by the Commissioner of the Immigration and Naturalization Service under the authority vested in him, together with a statement for the reason of such suspension (with accompanying papers); to the Committee on Immigration.

EXPENDITURES BY THE ALASKA RAILROAD

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to authorize certain expenditures by the Alaska Railroad, and for other purposes (with an accompanying paper); to the Committee on Territories and Insular Affairs.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on February 6, 1946, he presented to the President of the United States the following enrolled bills:

S. 102. An act to amend section 2 (b) of the act entitled "An act extending the classified executive civil service of the United States," approved November 26, 1940, so as to provide for counting military service of certain employees of the legislative branch in determining the eligibility of such employees for civil-service status under such act;

S. 765. An act concerning the establishment of meteorological observation stations in the Arctic region of the Western Hemisphere, for the purpose of improving the weather forecasting service within the United States and on civil international air transport routes from the United States;

S. 1467. An act to provide for adjustment between the proper appropriations, of unpaid balances in the pay accounts of naval personnel on the last day of each fiscal year, and for other purposes;

S. 1545. An act to amend article 38 of the Articles for the Government of the Navy; and S. 1631. An act to provide for the payment on a commuted basis of the costs of transportation of dependents of certain persons entitled to such transportation, and for other purposes.

MEMORIAL

Mr. CAPPER presented a memorial from Local Union 8168, United Mine Workers of America, of Monmouth, Kans., remonstrating against the enactment of House bill 4903, the so-called Case antistrike bill, which was referred to the Committee on Education and Labor.

FAIR EMPLOYMENT PRACTICE ACT—PETITION

Mr. CAPPER. Mr. President, I have received a petition signed by a large number of members of the bar of the State of New York who approve the action of the National Association for the Advancement of Colored People in their support of S. 101, the bill to create a permanent Fair Employment Practice Committee, and to provide for cloture. I ask unanimous consent to present the petition and that it be appropriately referred and printed in the RECORD without the signatures attached.

There being no objection, the petition was received, ordered to lie on the table, and to be printed in the RECORD, without the signatures attached as follows:

New York City, February 2, 1946.

We, the undersigned, members of the bar of the State of New York, support the proposal to establish by Federal legislation a permanent Fair Employment Practice Commission. Furthermore, we believe that the present filibuster in the Senate constitutes a denial of the basic principles of American democracy and should be ended by cloture.

COMPULSORY PEACETIME MILITARY TRAINING—MEMORIAL

Mr. CAPPER. Mr. President, I have received a memorial signed by Rev. Floyd L. Jarboe, pastor, and many other members of the Appanoose Church of the Brethren, of Overbrook, Kans., expressing their opposition to compulsory military training in peacetime. I ask unanimous consent to present the memorial, and that it be appropriately referred and printed in the RECORD, without the signatures attached.

There being no objection, the memorial was received, referred to the Committee

on Military Affairs, and ordered to be printed in the RECORD without the signatures attached, as follows:

OVERBROOK, KANS.

The Honorable ARTHUR CAPPER,
Washington, D. C.

DEAR SIR: We, the undersigned members of the Appanoose Church of the Brethren and/or of the surrounding community, are deeply concerned with the problems now confronting our Nation. We view with great apprehension the movement now on to pass a peacetime conscription law. We believe this to be both un-American and un-Christian.

We commend you for the stand you have taken in opposition to the passage of such a law. We urge you to continue to use your influence to prevent the passage of such legislation. We believe the resolution introduced by Representative NEELY, of West Virginia (H. J. Res. 269), is worthy of consideration and support by the other Members of Congress.

REPORT OF COMMITTEE ON INTERSTATE COMMERCE

Mr. WHEELER, from the Committee on Interstate Commerce, to which was referred the resolution (S. Res. 192) to investigate matters relating to the handling of insolvent railroads, reported it without amendment and submitted a report (No. 925) thereon, and, under the rule, the resolution was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

PERSONS EMPLOYED BY COMMITTEES WHO ARE NOT FULL-TIME SENATE OR COMMITTEE EMPLOYEES

The PRESIDENT pro tempore laid before the Senate reports for the month of January 1946 from the chairmen of certain committees, in response to Senate Resolution 319 (78th Cong.), relative to persons employed by committees who are not full-time employees of the Senate or any committee thereof, which were ordered to lie on the table and to be printed in the RECORD, as follows:

COMMITTEE ON FINANCE

FEBRUARY 7, 1946.

To the Senate:

The above-mentioned committee hereby submits the following report showing the names of persons employed by the committee who are not full-time employees of the Senate or of the committee for the month of January 1946, in compliance with the terms of Senate Resolution 319, agreed to August 23, 1944:

WALTER F. GEORGE, Chairman.

of Senate Resolution 319, agreed to August 23, 1944:

Name of individual ¹	Address	Name and address of department or organization by whom paid	Annual rate of compensation
Fred R. Miller.....	7535 17th St. NW.....	Veterans' Administration, Washington, D. C.....	\$5,810
Bertha M. Heck.....	1631 Euclid St. NW.....	do.....	2,169

¹ Both assigned to work of permanent Subcommittee on Veterans' Legislation, room 316-A, extension 1224.

FEBRUARY 5, 1946.

To the Senate:

The above-mentioned committee hereby submits the following report showing the

INTERSTATE COMMERCE COMMITTEE

name of a person employed by the committee who is not a full-time employee of the Senate or of the committee for the month of January 1946, in compliance with the terms

Name of individual	Address	Name and address of department or organization by whom paid	Annual rate of compensation
Mrs. Alma B. Kidwell.....	113 Park Blvd. SE.....	Federal Communications Commission.....	\$1,900

B. K. WHEELER, Chairman.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HART:

S. 1805. A bill to authorize the promotion of personnel of the Navy, Marine Corps, and Coast Guard who were prisoners of war; to the Committee on Naval Affairs.

By Mr. PEPPER:

S. 1806. A bill for the relief of Capt. John F. Lynch; to the Committee on Claims.

S. 1807. A bill to provide for recognition of certain active-duty members of the Civil Air Patrol as veterans of World War II; to the Committee on Military Affairs.

S. 1808. A bill to extend the term of design patent No. 21,053, dated September 22, 1891, for a badge, granted to George Brown Goode, and assigned to the National Society, Daughters of the American Revolution; to the Committee on Patents.

By Mr. LUCAS:

S. 1809. A bill to revive and reenact and amend the act entitled "An act authorizing the county of Gallatin, State of Illinois, its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near the city of Shawneetown, Gallatin County, Ill., to a point opposite thereto in the county of Union, State of Kentucky," approved July 18, 1939; to the Committee on Commerce.

By Mr. HAWKES:

S. 1810. A bill for the relief of Adrian E. Butler; to the Committee on Immigration.

CHARLES R. HOOPER

The PRESIDENT pro tempore, laid before the Senate the amendment of the House of Representatives to the bill (S. 1480) for the relief of Charles R. Hooper, which was, on page 1, line 6, to strike out "\$6,000" and insert "\$4,000."

Mr. CAPPER. Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

THE FEPC—A FAIR LABEL ON AN UNFAIR BILL—ADDRESS BY SENATOR RUSSELL

[Mr. RUSSELL asked and obtained leave to have printed in the Record an address entitled "The FEPC—A Fair Label on an Unfair Bill," delivered by him over the radio on February 6, 1946, which appears in the Appendix.]

THE CITIZEN AND FOREIGN POLICY—ADDRESS BY HON. HENRY CABOT LODGE, JR.

[Mr. SALTONSTALL asked and obtained leave to have printed in the Record an address entitled "The Citizen and Foreign Policy," delivered by Hon. Henry Cabot Lodge, Jr., before a meeting of the Foreign Policy Association, at Minneapolis, Minn., on February 4, 1946, which appears in the Appendix.]

GERMANY IS OUR PROBLEM—ARTICLE BY DR. KARL BRANDT

[Mr. EASTLAND asked and obtained leave to have printed in the Record an article entitled "Germany Is Our Problem," by Dr. Karl Brandt, which appears in the Appendix.]

THE NEXT STEP IN INTERNATIONAL RELATIONS—ARTICLE BY THOMAS L. STOKES

[Mr. TAYLOR asked and obtained leave to have printed in the Record an article relating to the next step in international relations, written by Thomas L. Stokes, and published in the Los Angeles Times of November 21, 1945, which appears in the Appendix.]

LOAN TO GREAT BRITAIN

Mr. ELLENDER obtained the floor.

Mr. McFARLAND. Mr. President, will the Senator yield to me to make a few remarks, on condition that he shall not lose the floor?

Mr. ELLENDER. If the Senator can obtain unanimous consent, I will yield.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Senator from Arizona may proceed.

Mr. McFARLAND. Mr. President, the financial and economic condition of our Nation—and of the entire world—requires that we formulate a definite financial policy in our dealings with other nations. This policy, I believe, should be based upon good, solid, and accepted practical business principles. It cannot be based upon altruism, wishful thinking, or visionary idealism.

When I was a young man, a friend who was a successful businessman, in the course of giving me some advice on a fundamental principle of business, recounted to me a story of a merchant in a western town and one of his customers. The merchant was in the general mercantile business, selling almost everything the farmers and ranchers in that area needed in order to make and harvest a crop. Many of the farmers carried large accounts in his store until their crops were harvested and sold.

One of these customers—we will call him John Smith—owned a great deal of land, but unfortunately had spread out too much and his land was heavily mortgaged. He was what we used to call land poor. He had a difficult time meeting his interest payments. But because many of his farms were rented, he was a good customer of the merchant and the latter financed him from season to season.

The time came, however, when Smith was unable to pay on his accounts. The merchant told him that unless he would make some substantial payment he could no longer afford to carry him along. Smith became angry, recalling to the merchant the business he had given him over the years and threatening to quit trading with him. When the merchant stood firm, Smith carried out his threat and took the cash he had, which he could have paid on the account, and began doing business on a cash basis with a competitor across the street. The merchant lost his best customer.

But the time came when Smith was again in difficulty; when he needed credit and had none. He went back to the merchant and said to him: "We have done business together for many years that made money for both of us. Why cannot we do so again? Why cannot you open my account? I will pay out." The merchant patiently explained that he could not extend additional credit when Smith already owed him so substantial an unpaid account. That sort of business, he added, would bankrupt him.

However, the merchant owned a farm adjoining one of Smith's. "Smith," he said, "that pasture land of yours adjoining mine is not doing you much good. It is mortgaged; you cannot sell it; and

you cannot sell any of your land, under present conditions, to square your debts. But to help you get on your feet so that we can get back on a business basis, and to show you my good faith, I will buy that piece of pasture land and you can settle up your account. Then we can go back to doing business on a business basis. But I want you to know that this transaction is conditioned on your paying your account regularly as funds come in from the sale of your products."

Smith became angry and accused the merchant of taking advantage of him. The merchant said, "All right. You go ahead and do business wherever you can. I cannot collect my account from you because your land and all your property are already mortgaged. I made you a proposition that would make money for both of us. If you do not want to take it then there is nothing I can do."

Smith went his way. Things became worse for him. The banks threatened to foreclose, so finally he went back to his friend, the merchant, and told him he was willing to settle his account in the manner suggested. The transaction was completed and Smith made money in the future and so did the merchant. The point of the story is that Smith never would have paid if the merchant had not insisted upon an equitable settlement.

Everyone on the floor of the Senate knows the truth of this story. Everyone within the sound of my voice knows that it is not good business to be lax in granting credit. It results not only in the loss of the customer, but all others who trade with you know your failing, and those who have the inclination to do so, will demand the same loose credit.

Mr. President, now we are confronted with the question of whether we should approve a loan to Great Britain in the sum of \$3,750,000,000. Let me say first that I am one who has a great deal of respect for Great Britain. I have great respect for the British people and consider the friendship of their nation to ours as worth much to the people of both countries. I voted for every measure to assist them before and after our country became involved in World War II. I have done everything within my power to see to it that we were a real ally in the war and that no wedge was driven between our two nations.

I was in England a few months ago and had the honor to meet and speak with that great statesman and former Prime Minister, Mr. Winston Churchill. I spoke with many members of Parliament. I talked with leaders and industrialists, I talked with cabbies and porters, restaurant waiters and shopkeepers. I think I know something of Britain's economic, social, and financial problems, and I am sincerely anxious to help her meet them. I want to be of whatever service I can to assist the people of Great Britain in solving those problems. But, Mr. President, I do not believe that we can assist them by doing business on any other than a business basis. To do business on any other basis would not be fair to the people we in Congress represent, or even fair to the British people themselves.

It is fair and proper to ask here, What have been our business dealings with

Great Britain in the past? Let us cast up our accounts.

First. The fact remains that today the British Government owes the United States about four and one-third billion dollars principal and two and one-eighth billion dollars in interest, resulting from loans made more than 20 years ago at the time of the First World War.

Second. During World War II we gave to Britain the stupendous total of more than \$25,000,000,000 in goods and money under the program known as lend-lease. That is the net amount with reverse lend-lease deducted. We learn now, from the Twenty-first Report to Congress on Lend-Lease Operations, submitted January 31, 1946, that it is intended to settle this tremendous credit with the United Kingdom for some \$650,000,000. And even this is not the final figure; it may be less than that. Moreover, this final settlement contemplates the taking over of vast amounts of surplus materials in Europe. And all this is to be done, apparently, without the Congress having anything to say about it.

We gave this tremendous assistance to Britain because it was necessary, as everyone knows, to save England from destruction. But we gave it, I believed and the American people believed, on the basis that we would get something back in return. I seem to remember something about a house being on fire, and we loaning the hose. We would get a new hose back, it was declared. Now, apparently, we are to get a settlement of 2½ cents on the dollar, and perhaps not even that. I do not believe anyone expected that we would receive full payment in cash, but we were certainly led to believe that this country would receive some other valuable consideration which, at least in some measure, would come near equaling the value of the material furnished under lend-lease. Certainly, if this was not the belief and the expectation, we would have provided that lend-lease was to be a grant, a gift without strings.

Oh, I know it will be said that lend-lease was our share of the war. But I am not one of those who agree that Great Britain was fighting our war. Yes; she later became our ally and she helped fight the war as our ally, just as she did in World War I. Nor am I attempting to detract in the slightest degree from the credit that is due British citizens who fought and died for their country. They were good Allies and paid a price in this war.

But does anyone question that we did our part in World War I? Does anyone question that we did our part in World War II? We did our share, not alone in money and material, but in blood and sweat and tears as well. Even Mr. Churchill commented that we furnished the overwhelming majority of the fighting troops who crossed the channel and made the drive that eventually crushed the enemy. Does anyone question that we shouldered the major burden in the war against Japan? I do not make these assertions boastfully. I am not one of those who wave our flag in the face of other nations with clarion shouts that "We won the war." But I do not want

anyone to say to me that the people of the United States did not do their full part—even if debts owing us were paid in full.

Third. I come now to the third point. I have mentioned the debts of World War I and the lend-lease payments. A few months ago we passed legislation establishing an International Monetary Fund and an International Bank, known generally as the Bretton Woods agreements. By its terms we bound ourselves to subscribe some \$6,000,000,000 to the Fund and the Bank, solely for the purpose of aiding nations devastated economically by the war to get back on their feet. Britain's quota to both was \$2,600,000,000. While I recognize that our subscriptions to the Fund and Bank are not solely for the benefit of Britain, let us see where we stand in this international financial aid to the world:

Britain owes us \$6,500,000,000 from the First World War; we extended upward of \$25,000,000,000 net in lend-lease; we have committed ourselves to pay into the International Fund and Bank almost \$6,000,000,000 more; and now we are asked to make what amounts to a partially interest-free loan of another \$3,750,000,000 to Britain.

It seems about time that we ought to take stock; it seems that we ought to apply the principles of the small-town merchant of whom I spoke earlier; it seems that we ought to see whether all this is good business. The question is whether we should lend this money, and if we do, should we require some form of settlement of past debts?

In considering this loan, there are certain questions which we must first ask ourselves:

First, does the borrower need the money? So far as we know, the answer is "Yes." Perhaps we do not know as much about this phase of the proposition as a good banker would want to know, but that fault lies in other agencies of Government. That is why there is quibbling about such things as the vast amount of British assets in this country in the shape of American securities which were not fully used in the war; the sharp difference in the amount that Britain and the United States expended in the war; Britain's assets in her colonial empire and the Dominions.

Second, can the lender afford to make the loan? On any practical, sound business basis, the answer is obviously "No" until their old account is settled.

There are those who argue that our own economic stability and future is involved in this loan to Britain. A careful reading of the parliamentary debates when the pending loan was under consideration by Commons will make clear, I am sure, that neither Britain's nor our own future would be jeopardized by failure of the loan.

At this point, Mr. President, I should like to invite the attention of the Senate to an article by Mr. Werner Knop which appears in the Saturday Evening Post for February 9. The article is headed:

The British businessman is cheerful. With huge markets waiting and her industrial plant in better shape than at the beginning of the war, England confidently expects a full-sized boom. Mr. Attlee? Oh, well, that's just one of those things, you know.

I should like to quote a small portion of the article:

Speaking to a gathering of industrialists, Lord Davidson, president of the Engineering Industries Association, said, "I believe this country is on the threshold of a tremendous recovery, which engineering, despite all apparent difficulties, will lead." The same optimistic sentiment is being echoed in company-chairmen speeches, although not all would go quite as far as Mr. Samuel Courtauld, chairman of a \$170,000,000 textile company, who states: "As regards the future, I say without hesitation that the outlook is brighter than ever."

Further along in the article, in discussing the financial situation which exists in Britain, this is said:

The same optimism exists with regard to the home market. During 6 years of war, the British consumer has been allowed to buy only the barest necessities of life. At the same time the net income of every Briton, after payment of income tax and surtax, has exactly doubled. Whether he liked it or not, he had to put aside a large slice of his income in savings, and at \$35,000,000,000 his wartime savings are equal to something like 25 years' savings at the prewar rate.

To this tremendous future purchasing power must be added another \$14,000,000,000 which have accumulated as bank deposits, and \$20,000,000,000 for various post-war credit schemes, service gratuities and war-damage payments.

The article further states:

The ending of lend-lease provided one of those very rare occasions when the British seemed to lose their sense of balance. Responsibility for this lay mainly with Prime Minister Attlee, who grossly exaggerated the gap between Britain's income and expenditure of dollars. He claimed it to be \$5,000,000,000 a year, whereas, when allowance is made for the stoppage of munition supplies and the cutting out of all nonessential imports, Britain's deficit with the United States need not exceed \$900,000,000. As Britain has during the war built up a gold and dollar reserve of more than \$2,000,000,000, the difficulties of bridging the dollar gap for a period of a year or two would have been by no means insurmountable, even without American aid.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. McFARLAND. I yield.

Mr. JOHNSON of Colorado. I understood from the quotations which the Senator just read that the British have saved \$35,000,000,000.

Mr. McFARLAND. That is correct.

Mr. JOHNSON of Colorado. Plus \$14,000,000,000.

Mr. McFARLAND. That is correct.

Mr. JOHNSON of Colorado. Plus \$20,000,000,000.

Mr. McFARLAND. That is what the article states.

Mr. JOHNSON of Colorado. That makes a total of \$69,000,000,000. Great Britain has a population which is a little less than a third of that of the United States. Comparing our savings with theirs, the figures show that they have saved as much as we have during the war period.

Mr. McFARLAND. I thank the Senator for his comments. That is exactly the point I want to make. Where is the United States to get the money for this \$3,750,000,000 loan? From the American taxpayer, of course. We shall have to float more bonds; go further into debt.

If the British people have this tremendous amount of savings—\$69,000,000,000, according to the Saturday Evening Post article which appeared only this week—why doesn't the British Government borrow from its own citizens? Their savings are apparently tremendous; the people are seeking investments for their funds. What better investment for British citizens than the securities of their own Government? Why a procedure which requires American citizens to make another \$3,750,000,000 loan right after having "given" the British \$23,000,000,000 in lend-lease?

Mr. President, let me emphasize here that both they and we recognize that the loan would be helpful—helpful to Britain in hastening her getting on her feet; helpful to us if for no other reason than a partial equilibrium may be restored in the world.

It is said that Britain needs this credit and needs it now. That statement seems to make light, indeed, of the Bretton Woods agreement and Britain's rights as a borrower from the International Monetary Fund. It is argued that this credit will assist her to meet the expected deficit in her balance of payments during the next 6 years. Of course, it will. But who will assist the United States to meet her deficits in the years ahead? It is said that the loan will enable Britain to buy from the world the supplies of food and raw materials which are essential to the life and work of the British people. Of course; but to what extent does that help the United States? There is no compulsion upon Britain to spend the \$3,750,000,000 in the United States; and even if there were, that would not make the loan a good one or a necessary one. We should have experience enough to know what that course leads to—or have we forgotten the experience of 1929?

It is asserted that the loan will keep open a market for those surpluses of the United States which are customarily exported to the United Kingdom. Again, we may ask, What kind of a market? Britain will buy here what she can buy profitably and to her own welfare.

Are there any arrangements that Britain will favor our markets over those of the Empire? Of course not; nor should we expect it. And even in our best years of trading with Britain, what did our foreign trade amount to? Are we going to loan nearly \$4,000,000,000 to do a billion dollars' worth of business a year? Is that sound or sensible?

Those, we are told, are the important short-term purposes of the \$3,750,000,000 credit to Great Britain.

These are some of the matters which it is well for us to consider.

Mr. President, I do not believe there is any question that if Great Britain had this amount of money it would improve her trade relations with the United States. But suppose she does buy goods from us with the loan. If it were never to be paid, we might as well give them the goods in the first place. But would that be good business? Would that help the United States? The answer, of course, is "No." We can only judge as to whether Great Britain will repay this loan by her actions in the past.

So, Mr. President, it is my opinion that Great Britain should settle her past debts with us before we make a new loan. Oh, it will be said that if she had this amount of money, she would not need the loan. I concede Great Britain is not financially able to pay us what she owes in dollars, but she can settle her account with us by giving us property rights.

I said a moment ago that I believed we had done our full share in World War II. Part of that share was the expenditure of billions of dollars, and the sweat and blood and lives of our men, in the building of submarine and naval bases, air bases, and communications centers in many places throughout the world. American cement and American steel, American brains and American brawn, went into miles of concrete runways, hangars, buildings, docks, and roads all over the world. In every case the contracts limited the use by the Allies of these facilities to the period of the war. Even in the destroyer-for-bases deal—a deal that was certainly as much to Britain's advantage as to ours—the 99-year leasehold barred permanently the commercial use of the facilities we built for the successful carrying on of the war. And so today we find ourselves giving up and moving out of air bases and communications centers and naval depots and refueling stations that we built and maintained; we find ourselves bargaining painfully with an ally for rentals for the use of air strips which are essential to the carrying on of world commercial aviation.

Understandably, because Britain is a world empire, many of these naval and air bases are on British soil or on British mandated territory or in lands over which Britain exercises a powerful persuasive force.

When this question of a loan is presented before the Senate Committee on Banking and Currency, I propose to place upon this loan conditions in the following form:

To direct the negotiation of an agreement for permanent American rights to bases, instead of 99-year leases; to eliminate the existing provision restricting use of the bases to military purposes only; to permit peacetime commercial use by the United States of other bases built by this country in lands owned by Britain and in states owned or controlled by her; and for such other payment in goods, property, or money as Britain may be able to make without injury to her financial standing. This agreement is to be submitted to Congress for approval, and such approval would authorize the loan.

I do not believe that our Government has the moral right to make such a loan except upon a strictly business basis. For my part, I am much more willing to appropriate \$4,000,000,000, or even \$40,000,000,000, for loans to individual American citizens who may require funds to help them in business. I believe that such citizens are better credit risks; that there is a far better chance of repayment; and that if there were default in payment we, at least, would have the satisfaction of knowing that the money was spent in the United States

and for the benefit directly and indirectly of this Nation.

I cannot, for the life of me, see any merit in extending a loan to a foreign nation at an interest rate half of that we charge an American veteran and then making provision that even that low-interest payment may be waived under certain conditions, unless we are to receive benefits which make up for this difference. What is the justification for such a double standard? Are American soldiers and sailors, not attempting to rehabilitate themselves into our economic life stream, less precious to us economically and financially than a foreign power, however important that power may be and however important it may be that that power becomes once again a strong economic factor in the world?

There is also good argument against permitting foreign nations to float their loans here, on the premise that our Government will step out of the picture and merely permit those of our citizens who think these nations good credit risks to purchase their bonds. I think that is unsound procedure, on two grounds. In the first place, no investor is going to buy a bond at the rate of interest proposed in the British loan, and not even the most patriotic British citizen will invest in a security on which the interest may be waived by the lender for the first 5 years. Not even in the darkest days of the war did Britain sell a security of that character. Secondly, I do not think it a good policy to encourage or allow a large number of our citizens to invest their earnings in bonds of another country, thereby becoming, in many instances, personally more interested in the financial success of those nations than in the success of their own country.

I am of the firm opinion that the overwhelming majority of our citizens are friendly to Britain, desire to see her re-establish herself, make herself economically strong again, become in a position so that she can take steps to free colonial peoples of overlordship, and take her accustomed place in the family of nations.

But I am also of the firm opinion that the overwhelming majority of our people are opposed and will oppose the granting of this large loan to Britain now, unless we can show them that we are getting something for our money.

The American people are not fools. They know what the war cost us, in dollars as well as in blood. They are paying taxes on that cost now, and their children's children for many generations will continue to bear the burden. It will be difficult indeed to convince them that we should make a loan to a foreign power at an interest rate half of what we demand from our own veterans and with a right not to pay any interest at all for 5 years; it will be even more difficult to convince them that such a loan will be of any direct help to this Nation in an economic way in the years ahead; it will be hardest of all to tell them that such a loan does not open the door to other loans to many other nations, requests which we will not be able to refuse without making open enemies of many powers.

So, Mr. President, unless we in Congress use realism and hard common sense, unless we attach conditions to this loan which make sense to the American people, we shall find that we have lost the confidence of the people.

Mr. President, my proposal for payment by Great Britain of her debt in part, or in whole, would not, in the words of Mr. Churchill, liquidate the British Empire. This would not in any way hurt the trade of the British Empire unless she expects to employ unfair advantages against the United States. But it would permit us to realize something from the billions of dollars we have spent in this and the last war. This is no novel scheme of payment. After I decided to offer this reservation to the joint resolution, and began to draft it, I noticed in the January 31 edition of the Washington Evening Star an article which I desire to read:

BRITAIN SHOULD PAY UNITED STATES DEBT IN BASES, CANADIAN DECLARES

ALBANY, N. Y., January 31—Canada's war-time munitions chief—

And it is to be noted that he is not merely an ordinary citizen of Canada—said last night that Britain should pay her debt to America in Western Hemisphere bases or by other mutually satisfactory settlement.

William Flockert Drysdale, speaking as a private citizen, declared the grim specter of debt forgiveness must not arise in this new age of infinite threats and dangers as it so unhappily arose after the First World War.

Mr. Drysdale, in a speech before the Albany County Historical Society, said Britain's obligations to the United States "are and remain debts until they are fully acknowledged and liquidated."

"Contractual arrangements for payment," he said, "could be either by permanent cession of by leases of lengthened tenure of present or different lands in or contiguous to the waters of the Western Hemisphere, and/or by such other media of installment payments as are mutually satisfactory."

He said England's staggering war losses, especially the destruction or damaging of 4,000,000 homes, must be replaced "if Britain is to continue as a useful ally in the company of enlightened nations."

"Between neighbors and allies and comrades in past times of peril, that may arise again, there must be no sordid question of the cost of such human and necessary help. * * * Past, present, and future they are debts of moneys and credits of health and safety, especially called for and gallantly provided."

Do we in the United States have less interest in the welfare of our Nation than has Mr. Drysdale, of Canada? He, a British subject, has made practically the same suggestion which I propose to offer before the Committee on Banking and Currency.

Our dealings with all nations must be on an equal basis. If Great Britain does not make settlement on a business basis of her accounts with us, every nation with which we do business will demand and is entitled to the same treatment. Such a course of action would bankrupt the United States. The Congress of the United States cannot afford to set up such standards in dealing with other nations.

RECONSIDERATION OF CERTAIN ARMY NOMINATIONS

Mr. THOMAS of Utah. Mr. President—

The PRESIDING OFFICER (Mr. HOEY in the chair). The Senator from Louisiana [Mr. ELLENDER] has the floor.

Mr. THOMAS of Utah. Will the Senator from Louisiana yield to me so that I may make a motion, with the understanding that the Senator will not be taken off the floor?

Mr. ELLENDER. I yield with that understanding.

Mr. THOMAS of Utah. Mr. President, as in executive session, I move that the action taken by the Senate yesterday in confirming the nominations of approximately 350 colonels be reconsidered and that the motion of the Senator from New York [Mr. MEAD] that the President be notified of the confirmation of the nominations be rescinded. The action confirming the nominations is to be found on page 971 of the CONGRESSIONAL RECORD of yesterday, February 6.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Utah.

The motion was agreed to.

Mr. THOMAS of Utah. Mr. President, I should like to make a brief explanation of why I have made the motion on which the Senate has just acted.

The War Department sent to the President a list of approximately 350 colonels together with the following memorandum:

JANUARY 31, 1946.

Memorandum for Col. Earl B. Wixey, G. S. C., Military Affairs Committee, United States Senate, Capitol Building, Washington, D. C.

1. The nominations for 349 lieutenant colonels to the grade of colonel, Regular Army, with rank from December 28, 1945, are being submitted to the Senate for confirmation.

2. These officers have completed 28 years' service and 5 years in-grade as required by law. These promotions are to fill existing vacancies, will not cause the limit of 1,054 colonels, authorized by law, to be exceeded and no officer is being promoted ahead of any officer senior to him on the promotion list. The law has been complied with in every respect. Those officers who are nominated subject to examination are so indicated in the nomination.

EDWARD F. WITSELL,
Major General,
Acting The Adjutant General.

Mr. President, the list includes the name of an officer whose promotion has been questioned. It would be unwise for us to prejudge the officer, or to take any action which would affect him until after an investigation has been completed. Therefore, I am asking that the entire list be held in abeyance, because under the seniority rule and under the present law, not only this officer might be affected but others as well. The relative seniority status of those on the list will not be affected by the action the Senate has just taken, because when the promotions shall have been made, the service of each officer will be relative to a certain date under the action of confirmation. So no harm will be done to the officers who are to be promoted, and

yet the Senate will have an opportunity to determine if a certain officer should not be promoted, that he will not be promoted.

Mr. President, I trust that the President will be notified promptly of the action taken by the Senate.

Mr. HART. Mr. President, will the Senator from Louisiana yield, with the understanding that he does not lose the floor?

Mr. ELLENDER. I had agreed to yield to another Senator.

Mr. HART. What I wish to say is on the same subject to which the Senator from Utah has just addressed himself.

Mr. ELLENDER. I gladly yield to the Senator.

Mr. HART. Mr. President, a very important and much larger point is involved in the question now being raised. It applies not only to one officer but to the entire 349 whose names appear on the list. This promotion list means that more than one-third of the future Regular Army list of colonels is involved. Those are the men who will be commanding the regiments of our future Army. In any body of 349 officers there will be found varying degrees of efficiency, although all the officers under consideration have undergone a great deal of training and have performed satisfactory service for at least 28 years.

As the list came to the Military Affairs Committee the following fact was evident: Of the 349 officers whose names appear on the list, 92 had held under temporary appointment prior commissions either two or three grades higher, which meant that they had been selected upward as the best fitted for receiving promotion. Two hundred and forty-two of them had been temporary colonels, or had been selected for promotion of one grade, and 15 had remained as lieutenant colonels throughout the war. During the war a most important change was made which lay in the selection of officers for promotion to the temporary grades rather than strictly by seniority. Now, in all probability, there are differences existing within those three categories into which the list of 349 is divided. The service rendered by some of those officers during 4 years of war has, without doubt, proved them to be more competent than others of the same list.

Mr. President, there is yet another consideration. On the Army list, below these 349, are the names of other officers who held commissions won up to that of general officer, during this war. Of course, those men have not been considered for promotion to colonel although they have proven superior.

The Army has carried out the law of promotion by seniority. The 349 names were submitted to the President, and then to the Senate, because they were the names of 349 officers whose position was at the top of the list as the law required. Mr. President, I think the law is wrong. At this time, when the country has only recently completed 4 years of war, during which the entire list of Regular Army officers was tested to the limit, and when the stress upon them was much greater than ordinarily exists in time of

peace, what was learned about the respective qualities of those officers is being disregarded. During the war officers were temporarily promoted to higher grades by the selection of those who were judged to be of superior fitness for the tasks. Now, Mr. President, when there is much more to go upon in comparing officers and in picking out the best among them than has ever obtained before, we strike down the idea of promotion by selection of the best fitted and return to the principle of seniority promotions. I merely wish to be on record as expressing my belief that the law governing the matter should be changed as soon as it can be done.

APPEAL FROM DECISION OF THE CHAIR
ON CLOTURE MOTION

The Senate resumed consideration of the appeal of Mr. BARKLEY from the decision of the Chair sustaining the point of order of Mr. RUSSELL that, under the rule, the presentation of the cloture motion on the FEPC bill was not in order.

Mr. WHITE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Maine?

Mr. ELLENDER. I yield on the same conditions on which I have heretofore yielded.

Mr. WHITE. I ask unanimous consent that I may proceed without impairment of the right of the Senator from Louisiana to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RUSSELL. If the Senator from Maine is to speak, I think we should have a quorum present.

Mr. WHITE. Oh, no.

Mr. RUSSELL. If the Senator does not desire it, I shall not suggest the absence of a quorum.

Mr. WHITE. Mr. President, I speak upon the pending measure because of my great desire that my colleagues may know the conclusions to which I have come, and more especially because I want the people of the State of Maine to know the convictions I have with respect to this entire controversial matter. I wish to make perfectly clear to all my colleagues now present that I am speaking in my individual capacity, and I absolve every Senator on the minority side from any responsibility whatsoever for what I may say.

Mr. President, the legislative and parliamentary situation in which the Senate is involved is contributed to by three related problems.

The bill itself, S. 101, raises in the minds of Senators the gravest doubts as to its constitutionality and its wisdom. It is significant that every voice in the Senate in behalf of the pending bill admits its serious defects and concedes that amendments should be adopted before approval is given to the measure. It is even more challenging that the proposed legislation faces the vigorous and bitter opposition of Senators who merit and who have the highest respect of all Members of this body.

Mr. President, many Senators charge that provisions of the bill go beyond and

are in violation of constitutional powers, of rights secured to our people by our American Bill of Rights and of the ethos of our people and institutions.

More specifically, Senators assert, first, that by this bill the citizen is subjected to unlawful search and seizure; second, that the citizen charged with an offense which, if proved, may subject him to the pains and penalties of fine and imprisonment, is denied the right of trial by a jury of his peers in the jurisdiction in which he lives or in which the offense alleged, and of which he is suspected, took place; third, that the proceedings against any individual may be initiated by an allegation, not in writing and not verified by either oath or affirmation; fourth, that a complaint may be filed against a person, not necessarily by the Commission, but by any referee, agent, or agency designated by the Commission; fifth, that the hearing upon the complaint is not necessarily to be before the Commission, but may be before the very agent or agency which filed the complaint, or any other agent, with no statutory and required qualifications; sixth, that this hearing may be held at any time or at any place in the United States; seventh, that should the person charged with offense be found guilty, the Commission shall state its findings of fact, shall issue a cease-and-desist order, and shall take such other affirmative actions—actions neither defined nor limited by the bill—as will effectuate the purposes of the act; eighth, that the Commission is given the authority to petition any circuit court of appeals, anywhere in the United States, for enforcement of the orders of the Commission, and that in this final and effective step in the enforcement of the Commission's findings such findings are conclusive upon the court, if supported, not by the weight or preponderance of evidence, but by any evidence at all; and ninth, that in this proceeding before the court, the respondent is given no right of representation by counsel, to present additional evidence, or to examine any person appearing before the court.

Mr. President, these charges are but some of the many leveled at the bill. If they are justified, they are an unanswerable indictment of the proposed legislation. I am persuaded of the substantial truth of these criticisms.

But these particular arguments do not stand alone, nor are they the most persuasive.

Mr. President, in most instances in which boards or commissions are established with regulatory and quasi-judicial powers, provision is made that they shall be bipartisan in person and character.

This is sound policy and right principle. It respects our idea of checks and balances in government. It assures expression of divergent views, and contributes to right determinations. In the pending bill this principle is completely repudiated, and instead of bipartisan-ship, section 5 permits all five members of the Commission to be of one race, one creed, one religion, one ancestry, one political party. I believe this possibility

challenges every principle asserted in behalf of the proposed legislation. If we are against the grant of such power, the reposing of such power in the Executive, why give it to the Executive?

Mr. President, the bill declares to be an offense that which, in the overwhelming number of cases, can never be proved. Who can know that I refuse to hire, that I discharge, or that I discriminate against any person, because of his race, or creed, color, origin, or ancestry? My motive is locked within my own mind, and, except in very rare instances, motive can never be proved.

The bill takes from the employer of America freedom to choose that man or that woman who in his judgment is best qualified to render service, to make contribution to the productive effort of America. It subjects the employer's right of employment of a person, and his business relationships with that employee, to the scrutiny and challenge of an agent of an autocratic government.

The bill declares its lost faith in the efforts of Christian generations to build a world of tolerance, of knowledge, of good will, and of brotherhood. It substitutes for the humane and kindly spirit of men the fear and the compulsion of law. Threat, dictation, compulsion of sword, or force of law have never aided man as he has struggled through the long centuries to make this a better and happier world for all mankind. This bill has not in it the sympathy and the warmth of the human heart. It must fail, therefore, of its professed purposes.

Finally, Mr. President, the bill creates another huge agency of a central Government which seeks always, and always exercises, restrictive and tyrannical powers over the social, financial, industrial, and political lives of a people. Here in America, warning of the loss of a people's freedom is seen all along the way we travel. Mr. President, these clear trends must be stopped if our America is to be saved.

Mr. President, the next two questions involved in our over-all problem are whether a filibuster is now being waged and, if it is, should cloture be invoked.

Mr. President, there can be no doubt that a filibuster is in process. It is open, notorious, and continuous. The required reading of the Senate Journal, the amendments proposed to the Journal, the admissions and the threats of Senators, announce the purpose and admit the fact of filibuster.

I do not like a filibuster but, Mr. President, there can be greater evils in the Senate and in this country of ours. There may be times and circumstances in which minorities can in one way alone successfully resist the power of a temporary majority. Majorities do not have the right to exercise arbitrary and uncontrolled powers. I challenge contradiction of the assertion that through the long years, the framers of constitutions and the writers of law have been more concerned in the protection of individuals and minorities than in granting powers to majorities. Our own Bill of Rights, agreement upon which was a condition

precedent to the adoption of our Constitution, sought protection of the citizen and of minorities. Nine of its first 10 articles seeks to shield from the powers of Government and of majorities the freedom of the manhood and womanhood of our country.

These safeguards find authority in our fundamental law and in the rules of this body itself. Both recognize the fallibility of a temporary majority in matters of the highest import. This recognition requires a two-thirds vote, not a majority, to ratify a treaty. We require a two-thirds vote to convict in cases of impeachment. A two-thirds vote is required for the approval of a constitutional amendment by the Senate, and a three-fourths vote of the States is necessary for the ratification of the two-thirds vote of the House and Senate submitting the amendment, and no cloture can force the States to vote.

In the business life of our country, many instances are found in which more than a majority vote is essential to effect corporate changes.

In our civil and criminal law, subject to limited exceptions to the general rule, we demand not a two-thirds vote, not a three-quarters vote, but unanimity of jury finding in determining a civil controversy or for the conviction of the humblest person for even the theft of a paper of ins.

In all ordinary circumstances, we may safely rely upon majority rule in the life of our people and in our legislative processes, but Mr. President, there are occasions when we are forced, as in the present instance, to decide whether a filibuster by a minority is not a lesser wrong than the threatened action, through cloture's aid, of a majority. In my judgment, it is better in the cause of sound legislation and the happy relationships of all our people that the minority should have unrestricted opportunity to protect itself from the power of a majority than that they, the minority, should be subjected to the numbers of a majority.

Mr. President, for what I am about to say I am indebted to the Senator from New Mexico [Mr. HATCH], who called my attention only a few days ago to the quotation I am now about to use, and, I hope, with his complete sanction.

Mr. President, Jefferson spoke a word of caution when he wrote in the preface of his *Manual of Parliamentary Practice*:

So the maxim is certainly true . . . that as it is always in the power of the majority by their numbers, to stop any improper measures on the part of their opponents, the only weapons by which the minority can defend themselves against similar attempts from those in power are the forms and rules of proceeding which have been adopted as they were found necessary from time to time . . . by a strict adherence to which the weaker party can only be protected from those irregularities and abuses which these forms were intended to check and which the wantonness of power—

The wantonness of power—
is but too often apt to suggest to large and successful majorities.

Whatever may be the technical distinctions between a vote for cloture and a

vote for the bill, the hard, practical, and substantial truth is that a vote for cloture in the present instance is a vote for this FEPC bill and for its passage by a majority vote.

Mr. President, if I vote for cloture, in practical effect I give my approval to a bill unconstitutional and unwise. I give approval to a bill denying rights accorded to and inhering in every citizen of the Republic. I further, by such a vote, the cause of a bill which will result in disension, in strife, and in definite retreat along the roads of progress we heretofore have been slowly and often painfully advancing. I shall be building new and dangerous instruments of governmental power. I shall be strengthening the arms of government by weakening the liberties of the people of this blessed Republic.

Mr. President, because of all these considerations I have reached the conclusion that I cannot vote for this legislation. I cannot vote for a cloture petition which brings the evils of it closer to our country and our people.

Mr. President, I thank the Senator from Louisiana for yielding to me.

Mr. RUSSELL. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield on the same condition as previously.

Mr. RUSSELL. When the people of my State commissioned me as a Senator I felt a great pride in the title of Senator. That pride is greatly enhanced by the privilege of being permitted to associate with men of the character and courage of the distinguished Senator from Maine [Mr. WHITE]. If I may be permitted to paraphrase some words of the Bard of Avon I would say:

His life is gentle, and the elements
So mix'd in him, that Nature might stand up
And say to all the world, "There is a man!"

Mr. WHITE. Mr. President, I thank the Senator from Georgia.

Several Senators addressed the Chair.
The PRESIDING OFFICER. Does the Senator from Louisiana yield; and if so, to whom?

Mr. ELLENDER. Mr. President, I have agreed to yield to the distinguished Senator from Nebraska [Mr. WHERRY] under the same conditions as I yielded previously.

Mr. WHERRY. Mr. President, I appreciate very much the courtesy extended to me by the distinguished Senator from Louisiana, but I am glad to give way to the Senator from Virginia [Mr. BYRD] and the Senator from Wyoming [Mr. ROBERTSON], and to take the floor after they have concluded.

REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES — CIVILIAN EMPLOYMENT IN THE EXECUTIVE BRANCH OF THE GOVERNMENT

Mr. BYRD. Mr. President, will the Senator yield to me?

Mr. ELLENDER. I yield to the Senator from Virginia under the same condition as I yielded previously.

Mr. BYRD. Mr. President, according to reports submitted by the agencies to the Joint Committee on Reduction of Nonesential Federal Expenditures, civilian employment in the Executive

branch of the Federal Government decreased 60,231 during the month of December 1945, from a total in November 1945 of 3,215,423 to a total in December 1945 of 3,155,192.

The reductions in the War and Navy Departments and in the national war agencies total 61,411, indicating that the peacetime departments and agencies actually had a net increase of more than 1,000 employees during the month.

Of the 22 establishments which added employees, Veterans' Administration increased 6,224; Post Office Department increased 2,625; Reconstruction Finance Corporation increased 2,522; Treasury Department increased 881; and Federal Works Agency increased 851. Other smaller increases are to be found in the Bureau of the Budget, Office of Alien Property Custodian, Office of Inter-American Affairs, Office of War Mobilization and Reconversion, Smaller War Plants Corporation, Civil Aeronautics Board, Export-Import Bank of Washington, Federal Deposit Insurance Corporation, Federal Trade Commission, General Accounting Office, Government Printing Office, Interstate Commerce Commission, National Archives, National Capital Housing Authority, National Labor Relations Board, Railroad Retirement Board, and Securities and Exchange Commission.

Of the 32 agencies which decreased, the largest were War Department with a 52,933 decrease; Commerce Department with a 6,158 decrease; Navy Department with a 3,902 decrease; Office of Price Administration with a 2,570 decrease; Labor Department with a 2,070 decrease; Agriculture Department with a 1,455 decrease; and Civilian Production Administration with a 1,217 decrease.

With few exceptions, for some years, the agencies have been claiming credit for their part in the war effort with requests for additional employees to carry on their new activities. The average citizen was amazed at some of the fields invaded, but tolerated the situation in the belief that with the cessation of hostilities there would be a return to normalcy. However, one cannot help being alarmed at the course of events since VJ-day. The agencies are struggling to find reasons for the continuance of their supposedly temporary activities and in addition are anxious to absorb functions and personnel of other agencies which on the surface are reported to be in the process of liquidation.

Much of such reduction as is taking place is to be found in the shipyards and arsenals of the country. The industrial employees should not be the only ones removed from Federal pay rolls. Thousands of employees who found desk jobs in the Government as part of the war effort should be included in drastic reductions as the war functions in both war and peacetime agencies are curtailed and eliminated.

Mr. President, I ask to have printed in the RECORD a table showing civilian employment of the executive branch of the Federal Government by departments and agencies for the months of November and December 1945, showing the increases and decreases in numbers of paid employees.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Civilian employment of the executive branch of the Federal Government, by departments and agencies, for the months of November and December 1945, showing the increases and decreases in number of paid employees

Departments or agencies	1945		Increase (+) or decrease (-)
	November	December	
EXECUTIVE OFFICE OF THE PRESIDENT			
Bureau of the Budget.....	741	753	+12
EXECUTIVE DEPARTMENTS			
Agriculture Department.....	87,664	86,209	-1,455
Commerce Department.....	36,024	29,866	-6,158
Interior Department.....	43,397	43,135	-262
Justice Department.....	25,213	24,945	-268
Labor Department.....	34,596	32,526	-2,070
Navy Department.....	591,538	587,636	-3,902
Post Office Department.....	444,974	447,509	+2,625
State Department.....	18,943	18,864	-79
Treasury Department.....	94,762	95,643	+881
War Department.....	844,048	791,115	-52,933
NATIONAL WAR AGENCIES			
Civilian Production Administration.....	3,934	2,717	-1,217
Committee on Fair Employment Practice.....	55	30	-19
Office of Alien Property Custodian.....	600	602	+2
Office of Defense Transportation.....	374	243	-131
Office of Inter-American Affairs.....	602	605	+3
Office of Price Administration.....	40,034	37,464	-2,570
Office of Scientific Research and Development.....	934	875	-59
Office of War Information.....	6	0	-6
Office of War Mobilization and Reconversion.....	608	642	+34
Petroleum Administration for War.....	281	190	-91
Selective Service System.....	17,043	16,561	-482
Smaller War Plants Corporation.....	1,684	1,792	+108
War Shipping Administration.....	5,045	5,044	-1
INDEPENDENT AGENCIES			
American Battle Monuments Commission.....	1	1	-----
Civil Aeronautics Board.....	467	498	+31
Civil Service Commission.....	5,220	4,945	-275
Employees' Compensation Commission.....	546	543	-3
Export-Import Bank of Washington.....	70	77	+7
Federal Communications Commission.....	1,477	1,469	-8
Federal Deposit Insurance Corporation.....	1,175	1,189	+14
Federal Power Commission.....	678	671	-7
Federal Security Agency.....	31,763	31,338	-425
Federal Trade Commission.....	430	477	+47
Federal Works Agency.....	20,503	21,354	+851
General Accounting Office.....	13,943	14,050	+107
Government Printing Office.....	7,031	7,111	+80
Interstate Commerce Commission.....	2,025	2,059	+34
Maritime Commission.....	8,019	8,283	+264
National Advisory Committee for Aeronautics.....	5,947	5,799	-148
National Archives.....	343	346	+3
National Capital Housing Authority.....	246	247	+1
National Capital Park and Planning Commission.....	17	16	-1
National Gallery of Art.....	275	272	-3
National Housing Agency.....	14,380	14,241	-139
National Labor Relations Board.....	860	1,106	+246
National Mediation Board.....	100	95	-5
Panama Canal.....	31,580	30,624	-956
Railroad Retirement Board.....	1,650	1,715	+65
Reconstruction Finance Corporation.....	26,228	28,750	+2,522
Securities and Exchange Commission.....	1,164	1,172	+8

¹ Does not include employees stationed outside the continental United States.

² Terminated as of Dec. 31, 1945.

Civilian employment of the executive branch of the Federal Government, by departments and agencies, for the months of November and December 1945, showing the increases and decreases in number of paid employees—Continued

Departments or agencies	1945		Increase (+) or decrease (-)
	November	December	
INDEPENDENT AGENCIES—continued			
Smithsonian Institution.....	419	417	-2
Tariff Commission.....	267	265	-2
Tax Court of the United States.....	122	122	-----
Tennessee Valley Authority.....	11,857	11,824	-33
Veterans' Administration.....	86,463	92,687	+6,224
Total.....	2,568,966	2,508,739	-74,046
Net decrease.....			+13,815
War Department.....	646,457	646,457	-----
Grand total.....	3,215,423	3,155,192	-60,231

³ Includes employees stationed outside the continental United States, except those of the War Department. Total for November, 106,924; and December, 98,955.

⁴ Employees stationed outside the continental United States, reported quarterly as of Sept. 30, 1945.

LEAVES OF ABSENCE

Mr. DONNELL. Mr. President, I respectfully ask unanimous consent that I may be absent from attendance on the Senate from today until Friday, February 15, in order that I may make a trip to my home State.

The PRESIDING OFFICER (Mr. HOEY in the chair). Without objection, leave is granted the Senator.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that I may be absent from the Senate tomorrow, for 1 day.

The PRESIDING OFFICER. Without objection, the leave requested is granted.

ATOMIC BOMB AND AIRCRAFT

Mr. ROBERTSON. Mr. President, will the Senator from Louisiana yield to me?

Mr. ELLENDER. I yield to the Senator from Wyoming on condition that I do not lose the floor thereby.

Mr. ROBERTSON. Mr. President, the subject of the atomic bomb test, which is to take place in the Pacific in May, is not a new one to this body.

But with your permission, Mr. President, I should like to venture a suggestion; indeed, I would make it a most urgent request. It is possible that my suggestion has already received consideration, but not to my knowledge.

During the month of May, 97 ships of the Navy will be anchored in a lagoon—sitting ducks—stripped of their greatest defensive weapon, the power of movement, the ability to disperse and take evasive action. On their decks will be the heavy, medium, and light guns; radar towers will be in place; lifeboats will be slung; observation planes will be on their ramps; while on the carriers, aircraft will be in position of readiness. Beneath the steel decks will be oil and aviation gasoline and bombs and rockets and heavy naval shells. On the islands about will be military installations—pill boxes, tents, dumps, and buildings. This we know.

Coupled with what we already know about the effect of the A-bomb, we hope

to gain much information. We know what it does to cities, and, therefore, what it can do to land armies. We will know, or we hope to know after this test, what it can, under certain conditions, do to surface craft.

In winning the war we used three forces—land, sea, and air. In this test we are hoping to prove something regarding sea power. We already have some information on the effect on land, but apparently we have no information, nor are we making any preparation to obtain information as to the effect of the atomic bomb on our air forces.

Perhaps plans have already been made to do this very thing. Perhaps my suggestion is late. I do not know.

But I do know that in all the newspaper publicity I have seen to date, and in all the discussions I have heard so far, the only reference to aircraft—other than a few tiny drones filled with recording devices—has been to those on the decks of the old carriers and on the adjacent islands.

What I would like to see would be squadrons, complete formations of radio-operated planes overhead, fighters, light bombers, medium bombers, heavy bombers, and superbombers, at altitudes from a few hundred feet to thirty or forty thousand feet.

I would like to see these planes combat-loaded with ammunition for their 30- and 50-caliber machine guns, their 20 mm. and their rockets, with varying gasoline loads, and with bombs, fuzed and ready, just as they would carry in seeking out an enemy task force or searching for a land target.

Today the Army is scrapping hundreds of B-17's, B-24's, B-28's, and small craft. A selected number of these, plus Army and Navy light bombers and fighters should be in the air.

Thus, after the bomb has exploded, after the smoke has cleared away, and that part of the earth has returned to normal, we would have a complete picture of what the atom bomb might do—not only when it is dropped on land targets or surface craft, but also if it were sent aloft to intercept the approach of an enemy air armada.

THE WHEAT PROBLEM

Mr. REED. Mr. President, will the Senator from Louisiana yield to me?

Mr. ELLENDER. I yield to the Senator from Kansas, on the condition that I do not lose the floor.

Mr. REED. Mr. President, as the President of the United States and other officers have stated so frequently in the public press, one of the most important questions, not only in the United States but in the world, is the volume of wheat available for domestic and international use.

The head of one of the important farm cooperatives in this country is Mr. M. W. Thatcher, of St. Paul, Minn., president of the National Federation of Grain Cooperatives. Those cooperatives will have a conference at Chicago tomorrow and the next day, to which have been invited the Secretary of Agriculture and his representatives, and the chairmen of the Agriculture Committees of both the Senate and the House.

Mr. Thatcher has sent me a long telegram in which he discusses a number of phases of the wheat situation which go to the heart of the problem. He brings up the question of whether or not farmers should be expected to sell their wheat at present ceiling prices in a period when prices of all kinds, including wages, are going up. The question presented is whether or not the OPA will hold the present ceiling prices on wheat through to the end of at least this crop year.

Another question presents itself. The farmer is being urged to sell the wheat he now has. Will he also be expected to sell the crop which he harvests this year? If so, he will have an income-tax situation in which he will pay upon a larger sum, because he will be disposing of two crops in 1 year.

Other questions of that type are presented and discussed by Mr. Thatcher in his long telegram. I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks the telegram which Mr. Thatcher, who is general manager of the Farmers' Union Grain Terminal Association of St. Paul, in addition to being president of the National Federation of Grain Cooperatives, has sent to me.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

ST. PAUL, MINN., February 4, 1946.

CLYDE M. REED,

United States Senate, Washington, D. C.

There is a wheat problem but not one that calls for bread rationing or for use of more wheat in flour, which admittedly would be a coarser and darker flour. Based on the United States Department of Agriculture's figures of January 1, 1946, we had 689,000,000 bushels of wheat on hand. A new wheat crop will pour into market after July 1. Present indications are for at least 700,000,000 bushels of winter wheat. There will be a heavy spring wheat acreage. Allowing for a January disappearance of 89,000,000 bushels, we will need up to July 1 no more than 200,000,000 bushels for flour, and 50,000,000 bushels for spring wheat seedling and miscellaneous farm use. This would leave 350,000,000 bushels of present stocks for export, carry-over, and livestock feeding. It would be better to stop feeding wheat than to ask flour mills and bakeries and consumers to adapt themselves to a new product with all the changes necessary to make a straight run of flour using 85 percent of the wheat instead of the normal 72 percent. The public and the processors would resist these far-reaching changes. Farmers will move the wheat to town and sell it if they are given parity treatment. Farmers know that Congress is in doubt about extending the OPA price-control law. That makes farmers doubt that it is wise to sell wheat under present ceilings. Farmers know that on July 1 there will be a big increase in wheat prices, if Congress does not extend the OPA law for another year. Farmers have the same intelligence as business people who have been and are withholding merchandise for the much higher prices which they hope will be realized either through dropping of OPA or through making exceptions, as for example the steel industry. Farmers also know that with wage levels in the process of rising, eventually such increases will be reflected in a new and higher parity price which under law will force the OPA to lift present ceilings on all farm prices. From the standpoint of price, the farmer sees about every advantage in not marketing wheat now. He is not going to succumb alone

to any patriotic call when he sees the United States Steel Corp. and General Motors Corp. and others getting away with theirs. The farmer feels that all he has to do is wait. Another point, the farmer is accustomed to carrying an inventory of wheat on his farm. It is his ever-normal granary and his base money supply. Not for patriotism alone does he intend to market this year both his present inventory and also his new crop. He would then be compelled to pay a 2-year or double income tax. In brief, he is not a fool. He intends to be treated as well as other groups in the economy of the Nation, even if he is the most patriotic. He, as much as any other person, wants to see wheat shipped to the starving people in other parts of the world but the National Federation of Grain Cooperatives cannot honestly urge its wheat-producing members to market their wheat so long as the wheat farmer is at a disadvantage as regards ceilings and double taxation. If the farmer knew now what wheat ceiling prices would be until July 1, 1947, and if he could be relieved of double taxation from marketing two crops in the same year, and if he could be assured that he would not be subject to a third tax by the repeal of laws protecting his marketing cooperatives as advocated by the National Tax Equality Association then we would be on sound ground to ring the bell of patriotism and save the starving families abroad. Further, if all these economic disadvantages were corrected, there is still a transportation break-down, not only from lack of boxcars, but from disorganization on the railroads. Now the movement of cars just from the Dakotas to Minnesota frequently takes weeks. We want to emphasize that you can get wheat for export, without upsetting the operations of flour mills and bakeries or changing the food habits of consumers. If you act now on these three problems: First, Give us boxcars and transportation facilities that will work and move the wheat. Second, decide now, one way or the other, on the future of OPA and price ceilings for 1946-47. Third, protect the farmer against double and triple taxation. If and when these three needs are met, the National Federation of Grain Cooperatives and the general farm organizations will advise farmers to move their wheat off the farms. People all over the Nation are now questioning the political integrity and economic sense of both the Congress and the administration. This problem of wheat is not in the hands of the millers or the bakers or the farmers. It is in the hands of the Congress and the administration. We have called a meeting of our grain cooperatives in Chicago on February 8 and 9, and have called officials from the United States Department of Agriculture to confer with us. We also are inviting through this wire the chairmen of the House and Senate Committees on Agriculture to be with us in Chicago. Our National Federation of Grain Cooperatives is comprised of the Regional Grain Cooperatives from Ohio to the Pacific Northwest, and from the Canadian border to the Gulf of Mexico. Its annual handle of grain is close to 400,000,000 bushels a year. Most of the farmers who own these cooperatives also are members of the Farm Bureau, the Farmers Union or the Grange. Thus you can rest assured that you can have the solid mobilized support of agriculture to move the wheat that is needed if the Congress and the administration will move first.

Respectfully submitted,

M. W. THATCHER,
President, National Federation
of Grain Cooperatives.

GEN. OMAR N. BRADLEY

Mr. STEWART. Mr. President, will the Senator from Louisiana yield to me?

Mr. ELLENDER. I yield to the Senator from Tennessee under the same terms as I have heretofore yielded.

Mr. STEWART. I thank the Senator from Louisiana. Mr. President, I wish to take notice of the recent criticism which has been directed at General Bradley, the head of the Veterans' Administration. I believe that this criticism is very unjust. I think it is extremely unfortunate that it comes from the source from which it comes, Mr. Stelle, of Illinois, the head of the American Legion. A few days ago he criticized General Bradley rather severely for what he termed neglect of duty, as I understand, for his failure to handle more expeditiously the claims of veterans of World War II.

General Bradley has been done a very grave injustice by this charge. It is quite true, and known by everyone to be true, that many thousands of claims of veterans who have been released from this war are piling up in the Veterans' Administration. For many reasons the Veterans' Administration has been unable to handle them as rapidly as it would like to handle them. General Bradley has expedited the handling of such claims as rapidly as any other man who might have served in his capacity, or who might now be serving in his capacity, could have done. I believe that he has done perhaps a great deal better than many other men might have been able to do.

We must remember that since General Bradley was appointed to head the Veterans' Administration more than 7,000,000 persons have been discharged from the armed services. As a result, many thousands of claims of various kinds have been filed. It has been humanly impossible to handle every one of them. General Bradley has been at the head of the Veterans' Administration for less than 6 months. In my opinion he has done as well as, or better than, almost anyone else who might have been serving in that capacity. I believe that the present criticism is extremely unfortunate, most untimely, and completely unjustified.

In my opinion there is not a man in the United States who is of greater stature than General Bradley. He was one of the great soldiers and leaders of the World War which has just recently been concluded. He was not only one of the great soldiers of this World War, but, as has been stated by those in a position to know, one of the greatest military tacticians of all time. He is a man of tremendous capabilities. He has not had one-tenth of 1 percent of the chance that he is entitled to in this work. He has made a far better showing than might have been expected of him under the circumstances.

As one Senator remarked to me a few moments ago when we were discussing the subject, perhaps public sentiment has already taken care of the matter. I think it is extremely unfortunate that this criticism should have been made. From the experience I have had and the contact I have had with General Bradley in the past 2 or 3 months, I know something of the magnitude of the work which he is required to do. Based upon the knowledge and information which I have, which I believe to be entirely accurate, I make the statement that this

charge is utterly unjustified. I do not know whether it falls in the category of cheap publicity or not, but it certainly is not and never has been justified.

General Bradley will make good as head of the Veterans' Administration. He is the kind of man who will see to it that his administration is successful. He is not only capable, but he is thoroughly honest, and he is painstaking in everything he does. The plans which he has for the future in behalf of the veterans are exceptionally broad and well-considered.

I repeat that the charge against General Bradley is not only unfortunate, but absolutely unjustified.

I thank the Senator from Louisiana for yielding to me.

AMENDMENT OF EMERGENCY PRICE CONTROL ACT OF 1942

Mr. WHERRY. Mr. President, will the Senator from Louisiana yield to me?

Mr. ELLENDER. I yield to the distinguished Senator from Nebraska under the same terms and conditions as I have heretofore yielded.

Mr. WHERRY. I accept the terms, so as not to prejudice the rights of the distinguished Senator from Louisiana. I thank him for his patience and also for giving me the opportunity at this time to submit amendments intended to be proposed by me to Senate Joint Resolution 118 amending the Emergency Price Control Act of 1942, as amended, with respect to the margin of profit which must be allowed in fixing maximum prices. I send the amendments to the desk, and I ask that they be read and referred to the appropriate committee. If there is any doubt, I also ask unanimous consent that hereafter Senate Joint Resolution 118 be Senate Joint Resolution 118 as amended by the proposed amendments.

The PRESIDING OFFICER (Mr. O'DANIEL in the chair). Without objection, the amendments intended to be proposed by the Senator from Nebraska to Senate Joint Resolution 118 will be received, read, referred to the Committee on Banking and Currency, and printed.

The CHIEF CLERK. The amendments intended to be proposed by Mr. WHERRY to Senate Joint Resolution 118 are to strike out all after the resolving clause and insert:

That it is hereby declared to be the policy of the United States (a) that the achievement of maximum production in industry is essential to prompt and orderly transition from a war to a peacetime economy, (b) that the necessity for obtaining maximum production in industry is paramount to the need for maintaining existing price levels, and (c) that the authority to establish and maintain maximum prices, conferred by the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended, shall be exercised in a manner calculated to stimulate, secure, and maintain maximum production.

SEC. 2. (a) Section 2 of the Emergency Price Control Act of 1942, as amended, is amended by adding at the end thereof the following new subsections:

"(c) No maximum price shall be established or maintained for any commodity under authority of this act or the Stabilization Act of 1942, as amended, or otherwise,

(1) below a price which will reflect to producers, manufacturers, wholesalers, distributors, jobbers, and retailers dealing in such commodity a percentage profit per unit, based on current costs, equal to the average percentage profit per unit earned during the calendar years 1937 to 1941, inclusive, or (2) which will reduce or result in the reduction of trade discounts or percentage mark-ups, with respect to such commodity, below the average established trade discounts or percentage mark-ups applicable with respect to such commodity during such calendar years.

"(p) No regulation or order shall be promulgated or enforced under the authority of this act or the Stabilization Act of 1942, as amended, or otherwise, which (1) establishes maximum prices in such a manner as to require absorption by the seller of a commodity of lawful increases in the costs of production, processing, or distribution of such commodity, or (2) directly or indirectly requires or compels a producer of a commodity to conform, during any period, to a pattern of production or sales of such commodity by price range or unit classification, based on any prior period."

SEC. 3. (a) Section 203 of the Emergency Price Control Act of 1942, as amended, is amended to read as follows:

"SEC. 203. At any time after the issuance of any regulation or order under section 2, or in the case of a price schedule, at any time after the effective date thereof specified in section 206, any person subject to any provision of such regulation, order, or price schedule may file in the district court of the United States for the district in which he resides or maintains his principal place of business a petition praying that such regulation, order, or price schedule be enjoined or set aside in whole or in part. Upon such filing the court shall cause notice thereof to be served upon the Administrator, and thereupon shall have jurisdiction to grant such temporary relief or restraining order as it deems just and proper, and to make and enter a decree enjoining or setting aside in whole or in part the regulation, order, or price schedule, or dismissing the petition. The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the appropriate circuit court of appeals as in other cases, and the judgment and decree of such circuit court of appeals shall be final, subject to review by the Supreme Court of the United States upon writ of certiorari or certification, as provided in sections 239 and 240 of the Judicial Code, as amended (U. S. Code, title 28, secs. 346 and 347)."

(b) Section 204 of such act, as amended, is hereby repealed.

And amend the title so as to read: "A joint resolution to amend the Emergency Price Control Act of 1942, as amended, so as to achieve maximum production, eliminate impediments thereto, created by certain policies, and for other purposes."

Mr. WHERRY. Mr. President, I wish to give the history of the formulation of the amendments which some of the members of the Small Business Committee are now offering to Senate Joint Resolution 118.

On November 15, 1945, the Senator from Tennessee [Mr. STEWART] and I introduced Senate Joint Resolution 118, proposing amendments to the Price Stabilization Act. That joint resolution provides as follows:

No maximum price shall be established or maintained for any commodity under authority of this act or the Stabilization Act of 1942, as amended, or otherwise, (1) below a price

which will reflect to producers, manufacturers, wholesalers, distributors, jobbers, and retailers dealing in such commodity a percentage profit per unit, based on current costs, equal to the average percentage profit per unit earned during the calendar years 1937 to 1941, inclusive, or (2) which will reduce or result in the reduction of trade discounts or percentage mark-ups, with respect to such commodity, below the average established trade discounts or percentage mark-ups applicable with respect to such commodity during such calendar years.

Those are the provisions of that short amendment to the act. In brief, the joint resolution would forbid the Office of Price Administration to put into effect a maximum price which would not reflect percentage-wise the mark-up enjoyed down through the years on top of current costs. It would also prohibit the Office of Price Administration from giving a percentage of a price payable under a private contract or an invoice to labor engaged in production or some other segment of the industry concerned, at the expense of a retailer or distributor or some other segment of the industry.

Mr. EASTLAND. Mr. President, will the Senator yield for a question?

Mr. WHERRY. If the Senator from Louisiana will permit, I yield.

Mr. EASTLAND. I agree with the Senator, and I judge that he wishes to do away with the retail cost-absorption policy of the OPA.

Mr. WHERRY. That is correct.

Mr. EASTLAND. Let me say to the Senator that I agree that should be done. Does not the Senator think that the Office of Price Administration should be prohibited from placing on agricultural commodities price ceilings which do not reflect parity plus the labor costs?

Mr. WHERRY. Mr. President, I wish to say emphatically that I certainly do agree with the distinguished Senator from Mississippi. I am sure he will recall that not long ago I offered on the floor of the Senate an amendment, which was adopted, providing that the farmer should be paid on a cost-plus basis for the commodities he produced, just as in the case of payments made under the provisions of contracts relating to the sale of industrial products. Certainly a rule or regulation relating to the sale of agricultural commodities that does not result in the payment of parity is in direct contradiction to the provisions of the Agricultural Adjustment Act itself.

Mr. EASTLAND. Mr. President, will the Senator further yield?

Mr. WHERRY. Gladly, if the Senator from Louisiana will permit me to do so.

Mr. EASTLAND. I wish to say that parity, as it is defined in that act, does not include farm-labor costs.

Mr. WHERRY. That is correct. When I now refer to parity, I mean parity on top of current costs. That would include the labor costs.

Mr. EASTLAND. For instance, today in the South the farm-labor costs amount to more than three times what they did during the base period.

Mr. WHERRY. Yes.

Mr. EASTLAND. For that reason, when we include in our calculations the farm-labor costs, we find that today the

cotton growers cannot produce cotton at a profit.

Mr. WHERRY. That is correct.

Mr. EASTLAND. From what I understand of the farm-wage scale in the West, the situation is even more critical in the West than it is in the South.

Mr. WHERRY. Yes; it is.

Mr. EASTLAND. I state to the Senator that when the question of the renewal of the Price Stabilization Act comes before the Senate, I shall offer amendments along the line I have indicated.

Mr. WHERRY. I thank the distinguished Senator. Let me say that I wish it to be understood that I believe parity should be based upon current costs. The old definition of parity is the relationship of the average price of the farm product during the years 1909 to 1914 to the relation of the purchasing power of the farmer's dollar for what the farmer buys. The Senator from Mississippi well knows, as do all of us in the Middle Western States, that today labor costs are in some cases three times what they were in 1909 and the relationship upon which parity is based is out of line.

Mr. EASTLAND. That is true.

Mr. WHERRY. So, on the basis of today's costs, parity does not represent the cost of producing a commodity in the same relationship as back in 1909-14.

Mr. EASTLAND. As I understand the situation, farm-labor costs in the West are five times what they were in the period 1909-14, and in the South they are three and one-half times what they were in the period 1909-14. In the interest of doing justice to agriculture, Congress must rectify that situation.

Mr. WHERRY. Certainly, Mr. President, that matter must be considered when the question of the extension or renewal of the Price Stabilization Act is before the Senate, because I think all Senators agree that if we are to obtain maximum production we must make it possible for producers to make a profit, not only in the production of industrial articles but also in the production of farm commodities as well. That does not mean that there will have to be runaway inflation. That does not mean that the price stabilizer will not be able to fix ceilings which will control the selling prices of a particular product. But we would prevent the Price Stabilizer from fixing a price ceiling which would not permit the producer to make a profit. We believe steps should be taken to make sure that the producers will obtain profits, as well as to make sure there will be ample production.

Mr. EASTLAND. Mr. President, will the Senator further yield?

Mr. WHERRY. Yes; if the Senator from Louisiana will permit me to do so once more.

Mr. EASTLAND. Let me say that the Senator is correct in what he has said. Of course, what he has suggested will not cause inflation; but it will prevent inflation, because it will bring about production.

Mr. WHERRY. That is correct.

Mr. EASTLAND. After all, production is the only safeguard the people of the United States have against inflation.

Mr. WHERRY. That is my theory, and it has been all the time. The first speech I made on the floor of the Senate—in 1943—was an appeal to the Senate to lift the restrictions so that maximum production might be obtained. Not only did we need it for our wartime economy, but, as I said then, and I now repeat, maximum production is the best weapon we can use in our fight to whip inflation. I say that in the battle to whip inflation, it is of paramount importance that production be obtained, rather than that prices be controlled.

Mr. EASTLAND. Mr. President, will the Senator further yield?

Mr. WHERRY. * Yes; if the Senator from Louisiana will again permit me to do so.

Mr. EASTLAND. Let me say that I agree with what the distinguished Senator from Nebraska has said, and I know that he agrees with me when I say that industrial labor is entitled to a higher wage scale. We agree that it should be properly paid. But the Office of Price Administration and its personnel are discriminating against American agriculture, and are doing so for the benefit of industrial labor. I do not think the average laboring man desires to see any American worker discriminated against.

Mr. WHERRY. I agree with the Senator, and I thank him once again.

Mr. President, a moment ago I read the provisions of Senate Joint Resolution 118, introduced by the Senator from Tennessee [Mr. STEWART], and myself on November 15, 1945. I shall now proceed to state the foundation or basis upon which the new amendments, which were read by the clerk, are offered.

When the joint resolution was introduced I requested, should it be referred to the Senate Banking and Currency Committee, that the chairman of that committee assure the Members of the Senate early hearings would be held so that evidence might be adduced for immediate consideration, in connection with the President's proposal to extend the Price Stabilization Act for 1 year from its termination in June. I also requested that the amendments offered be considered in order to correct the slowing-down of production since VE-day.

Senators may recall that on the afternoon when I introduced the joint resolution, considerable colloquy took place between the Senator from Oregon and myself, as well as some of the other Senators on this side of the Chamber, and it was stated that it was necessary for the Banking and Currency Committee to conduct immediate hearings, because the price-control program was holding back production in almost all lines of industry. At that time some of us requested that hearings be held, and that a report be made to the Senate on the suggested amendments.

The chairman of the Senate Banking and Currency Committee has not seen fit to call hearings, although in a very few weeks the Members of the Senate will be called on to vote upon legislation for the extension of certain powers granted to the Executive at the outbreak of hostilities.

Those powers, as enacted in the Emergency Price Control Act, the Stabilization Act, and the War Powers Act, were extended from time to time during hostilities and are being exercised today. Moreover, their extension is being asked for.

Prior to, during, and since the Christmas vacation, members of the Small Business Committee have conducted hearings on the question of the exercise of these powers since VJ-day, and have studied the effect of their administration since the cessation of hostilities. We are convinced that changes must be made if we are to discharge our duties as legislators, and assist the rehabilitation of our Nation's economy. The report of the committee has not yet been made available. It is now being prepared, and I am hopeful that at least a majority of the Members will sign it, because I think that, in the main, at least so far as recommendations are concerned, our committee is pretty much in agreement. There may be controversy with regard to some of the basic problems involved, but so far as the recommendations are concerned, I think that nearly all members of the committee will agree. When offered, they will, no doubt, be offered by the chairman of the committee.

Our study of the subject was detailed and extensive. What we found will doubtless be of great interest to the Senate and will assist us all in the proper determination of this most important question.

I wish to stress the fact that this is not a partisan question, nor is it a matter for partisan consideration. The significance of the action that must be taken on the subject lies in its determination of the immediate destiny of our economy.

As a result of these studies, I am suggesting a proposed amendment to Senate Joint Resolution 118, which provides that it is hereby declared to be the policy of the United States:

(a) That the achievement of maximum production in industry is essential to prompt and orderly transition from a war to a peacetime economy.

(b) That the necessity for obtaining maximum production in industry is paramount to the need for maintaining existing price levels.

If it is necessary to increase the price level in order to obtain production, I think that question should be determined by the Congress so that those in authority will interpret the intent of Congress to the effect that the first and primary requisite is to obtain production, and that a price increase should not be held up continuously over a period of months until such a point is reached that producers will be put out of business.

(c) That the authority to establish and maintain maximum prices, conferred by the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended, shall be exercised in a manner calculated to stimulate, secure, and maintain maximum production, including that of the farms.

Secondly, that section 2 of the Emergency Price Control Act of 1942, as

amended, be amended by adding at the end thereof section (o), which includes the provisions of Senate Joint Resolution 118. I have previously discussed that resolution. Moreover, the proposed amendments to Senate Joint Resolution 118 would include amendments to the Price Stabilization Act of 1942, which would prohibit:

First, establishing maximum prices in such a manner as to require absorption by the seller of a commodity of lawful increases in the costs of production, processing, or distribution of such commodity; or

Second, directly or indirectly requiring or compelling a producer of a commodity to conform, during any period, to a pattern of production or sales of such commodity by price range or unit classification, based on any prior period.

This would prohibit the continuance and extension of what is known as the cost-absorption policy now in effect under the Office of Price Administration.

Finally, section 203, a proposed amendment providing that at any time after the issuance of any regulation or order under section 2, or in connection with a price schedule, or at any time after the effective date thereof as specified in section 206, any person subject to any provision of such regulation, order, or price schedule may file in the district court of the United States for the district in which he resides or maintains his principal place of business, a petition praying that such regulation, order, or price schedule be enjoined or set aside in whole or in part.

Today no such right is enjoyed. The moment that a regulation is issued, its effect begins immediately. It cannot be set up as a defense. Moreover, if a person is indicted for a violation thereof, he may not go into the Federal court and obtain an injunction pending the determination by a judicial court, but he must comply with the price regulation. Under those conditions there have been cases in which persons have been compelled to wait for as long as 6 months, which resulted in their being driven out of business. Such a situation should not be allowed to continue. Upon filing such a petition, the court shall cause notice thereof to be served upon the Administrator, and thereupon shall have jurisdiction to grant such temporary relief or restraining order as it deems just and proper, and to make and enter a decree enjoining or setting aside in whole or in part the regulation, order, or price schedule, or dismissing the petition. The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the appropriate circuit court of appeals as in other cases, and the judgment and decree of such circuit court of appeals shall be final, subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended.

That means that after a price regulation has been issued, if one against whom the regulation applies has not seen it

within a 30-day period, he shall not lose his right to go into a Federal court and challenge the regulation. In all other cases the defendant has a right to his day in court. After the defendant gets into court I think that he should have the right to have an order entered by the court restraining the Price Control Administrator from carrying out the terms of the regulation until a judicial determination has been had. Furthermore, the defendant should be permitted to go into a Federal court of the district in which his business is located, instead of being required to come to the Emergency Court of Appeals in Washington and seek relief. No Member of Congress would wish to require a man to travel 1,500 or 2,000 miles, as some have been required to travel, in order to get into the Emergency Court of Appeals when he should have the right to take his case into the Federal court of the district in which his business is being conducted.

Mr. President, I have explained some of the amendments which some of us have found to be necessary. I ask unanimous consent that when the report is finally made by the Small Business Committee, inasmuch as no report has been made by the Committee on Banking and Currency, and no hearings have ever been held on the joint resolution which was introduced in November of last year, the Senate immediately start debating the question of whether or not we shall extend the Price Control Administration in accordance with the wishes of the President. We should become familiar with the problems to which I have referred, which are blocking production. Production is being curtailed because of the price-fixing policies of the administration which are causing the disruption of industry throughout the land. So if the price program extension is asked for, those of us who believe these things should be done will have an opportunity to amend the bill when it comes before the Senate; but if the amendments are not adopted, and the administration continues to interfere with maximum production, then I think we will have an absolute defense, and that we should no longer continue the Office of Price Administration.

I thank the distinguished Senator from Louisiana for the time he has given me to present my amendments and for other courtesies extended. I ask that the amendments be referred to the proper committee, and I assume they will be assigned to the Senate Banking and Currency Committee. I respectfully ask that consideration be given Senate Joint Resolution 118, and that the amendments proposed herein to Senate Joint Resolution 118 receive consideration at the same time.

RATIONING OF BREAD

Mr. BUTLER. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield on the same terms and conditions on which I have yielded heretofore.

Mr. BUTLER. I thank the Senator. I assure him that I shall occupy the floor for only a very short time.

Mr. President, I dare say all Members of the Senate noticed the headlines in the newspapers today advising that the United States is to be on short rations in order to feed the world. Before proceeding further, I assure the Members of the Senate that I, for one, am just as much concerned as is anyone else in complying with all obligations which may rest upon us to distribute food elsewhere in the world where it is needed. But I think this is a question which should have the attention, closer attention than it has had to date, of the Members of Congress.

I presume all Senators have been receiving messages within the last few days from millers in their States and from large bakery operators, and perhaps some of the smaller ones, who are worried about having supplies with which to operate their plants. In order to bring this matter before the Senate, I shall read one typical message, which comes from one of the large baking concerns in Omaha, Nebr., dated the 6th of February, and addressed to me, as follows:

OMAHA, NEBR., February 6, 1946.

Hon. HUGH BUTLER,

Senate Office Building,
Washington, D. C.:

Highest levels of Government considering rationing wheat flour or down-grading flour and bakery products by permitting milling of only dark and coarse flours. Either proposal will reduce consumption of bread, the best and most nourishing energy food. Reduction of volume will require price relief to bakers and increase cost of living; down-grading means force feeding of Americans with coarse animal filler in the name and guise of wholesome energy foods. The human digestive system, unlike that of farm animals, is irritated by and cannot utilize the food values in coarser feeds milled into down-graded dark flour. The present acute animal feed situation would also be further aggravated by such proposed action. The English wartime trial of flour and bread down-grading caused consumer dissatisfaction, decline of bread consumption, and increased consumption of substitute foods of higher cost. We ask your cooperation in protecting the American human health and diet, in maintaining good wheat nourishment for human mouths instead of animal mouths and foreign mouths.

Mr. President, I think all will admit that there exists a wheat problem, but not one that calls for bread rationing, or for use of more wheat in flour, which admittedly would be a coarser and darker flour. Based on United States Department of Agriculture figures of January 1, 1946, we had 689,000,000 bushels of wheat on hand at that time. A new wheat crop will pour into market after July 1. Present indications are for at least 700,000,000 bushels of winter wheat. There will be a heavy spring acreage. Allowing for January disappearance of 89,000,000 bushels, we will need up to July 1 no more than 200,000,000 bushels for flour, and 50,000,000 bushels for spring wheat seeding and miscellaneous farm use. This would leave 350,000,000 bushels of present stocks for export, carry-over, and livestock feeding. It would be better to stop feeding wheat than to ask flour mills and bakeries and consumers to adapt themselves to a new

product, with all the changes necessary to make a straight run of flour, using 85 percent of the wheat instead of the normal 72 percent.

Late yesterday, before I knew of the Executive order of the President, I prepared a very short statement, which, with a very minor change, I intend to put into the RECORD today. I shall take the privilege of reading the statement into the RECORD at this time in order that others may have the inspiration, I hope, of informing themselves about this rather serious situation.

The following statement was prepared late last evening, February 6, before I had word that a statement was to be issued by the President, putting the United States on a dark-bread diet in order to feed Europe. The statement I prepared yesterday is still appropriate, in spite of the fact that the President has since issued his order. Therefore, I am going to leave it just as I prepared it yesterday.

Few persons realize that we are threatened with rationing of bread—the staff of life. During the last few weeks there has developed what appears to be a shortage of wheat for grinding. There is no real shortage of wheat in the United States. Department of Agriculture figures confirm that statement. Nevertheless, there is a move on within the regulatory departments to ration wheat to the millers, and also to require them to make more pounds of flour from a bushel of wheat. This means that part of what we ordinarily feed to the livestock—bran and shorts—is to be put in the flour sack for the housewife and the bakers to use in making bread.

Housewives do not know the threat as yet, but many of the big bakers over the country have had the tip-off and are beginning to speak out. No doubt many Members of Congress have already heard from them direct, as I have myself.

I sincerely hope no emergency war order will go out requiring this down-grading of flour for human consumption. If it does, I predict dire results—far from what the Government agencies expect. The English tried this experiment during the war, and with unsatisfactory results. Bread consumption declined, and the use of higher cost substitutes arose. The human digestive system, unlike that of farm animals, is irritated by and cannot utilize the food values in coarser feeds milled into down-graded dark flour.

Another excuse for this plan of down-grading wheat flour, is the shortage of boxcars for the shipment of the wheat to mills. The real reason, however, is that certain commitments have been made to ship wheat to the hungry in Europe and Asia. Millers in my own State of Nebraska, the geographical center of the United States, and the heart of the Wheat Belt, are concerned, and some have asked that we lower or eliminate entirely import charges on wheat from Canada, Australia, and the Argentine. My suggestion would be that we stop shipping our own wheat abroad, but fulfill our foreign obligations by purchasing wheat in Canada, Australia, and Argentine and ship it direct to the hungry in Europe and

Asia, instead of lowering our own stocks to the point where we may have to import into the United States for our own use. It would mean a tremendous saving in the unnecessary handling of supplies, and boxcars are really critically short. Just yesterday I had a request from one of the big milling companies that the railroads be required to furnish them open cars, that is, coal cars, commonly called gondola cars, for the shipment of wheat to the mills. Open cars are usually used only for shipment of coal or similar materials that do not require enclosed cars for safe handling. Millions of bushels of Nebraska wheat have already been moving to market in open cars, and if the railroads will furnish the equipment we can still ship our wheat, but if they will not, wheat for export cannot be shipped from the interior points of the country.

Late yesterday I sent the following telegram to the Honorable Clinton P. Anderson, Secretary of Agriculture:

Reports reach me that some consideration is being given plans looking toward changing regulations affecting the manufacture of wheat flour, requiring a higher percentage of the grain to be sold as human food. This is perhaps a suggestion made account apparent shortage of grain for milling and actual shortage of boxcars for shipping and partly due to desire on part of some who want to further regulate everything. There is no actual shortage of wheat. In fact, we have an abundance but there is a terrible shortage of boxcars. We produced planes, tanks, and other war material in abundance and could under pressure turn out an abundance of boxcars in a comparatively short time. We should stop use of available cars to move our own wheat into export and furnish the wheat to other countries from outside sources like Canada, Australia, and Argentina, thus insuring our own supplies both for human food and stock feed. I think those who plan this further unwise regulation of flour production should be stopped at once and the public advised that the American health and diet will be protected while at the same time filling our obligations to those of other countries from sources other than our domestic stocks. I hope you can wire me today that the American health and diet will be protected.

A few minutes ago I made inquiry from the proper sources in order to obtain information as to the amount of wheat available in the three countries I have named. There is not as much available in Australia as I had anticipated. In order that all may have the information, I shall put the figures into the RECORD at this point.

In Canada, as of January 1, there were available 238,000,000 bushels of wheat. Very little of it is required for domestic use. Practically all of it would be available for export. In Australia there were but 6,000,000 bushels available as of January 1. In the Argentine there are between two and three million metric tons of wheat that would be available for export to other countries.

Mr. President, I am sympathetic with the attempts of the administration to meet our obligations abroad, but I feel they have made a very unwise provision in adopting the plan they have chosen in order that those obligations may be met from our domestic stocks.

THE OFFICE OF PRICE ADMINISTRATION

Mr. MCRSE. Mr. President, will the Senator from Louisiana yield to me with the understanding that he will not lose the floor?

Mr. ELLENDER. I yield.

Mr. MORSE. I wish to refer very briefly to the comments on OPA made in the speech of the junior Senator from Nebraska [Mr. WHERRY]. I do not share all the views expressed by the Senator, but I desire to call the attention of the Senate to the fact that some of the predictions made on the floor of the Senate as far back as June 8, 1945, as to the effect of the policies of OPA on the meat industry of this country have been fulfilled. It was stated by several of us last June that they would result in continued hardship, especially upon the small slaughterhouses, unless the Congress wrote into the law as of that time certain protective clauses which some of us felt essential if we were to protect especially the small slaughterhouse operators. The Senate will recall that at that time we were considering what was known as the Thomas amendment which sought to bring to an end the policy of the OPA respecting the so-called over-all plant profit principle. We sought by that amendment to see to it that there was written into the law protection for the small slaughtering-house operator so that he could have a profit upon the processing of the particular type of livestock he might be slaughtering as of any given time. It looked for a time, as I think Senators present will agree, that the so-called Thomas amendment would be adopted. Then an interesting bit of strategy on the part of the administration forces was brought into play. I refer to the letter of June 6, 1945, addressed to the Senator from Oklahoma [Mr. THOMAS] and the Senator from Tennessee [Mr. McKELLAR] by the head of the OPA. There was much debate on that letter because it was argued that the letter showed the intent of OPA, and that it ought to be considered as a substitute, really, for the Thomas amendment. Over the protestations of some of us, that is exactly what the Senate did—it accepted the letter as a statement of OPA policy which could be depended upon in the future. I pointed out in my speech in opposition to the letter at that time, as set forth on pages 5788 and 5789 of the CONGRESSIONAL RECORD for June 8, 1945, that there was a sleeper clause in the letter, that the letter was so framed and phrased that it gave the livestock producers and the slaughtering-house operators of the country no assurance whatsoever that the policies of OPA would be so administered as to result in that fair protection which we felt under the pricing policies of the Government they were entitled to. I say that because the letter contained this paragraph:

To the fullest practicable extent, the Office will see that each of these groups of products is separately profitable at all times, regardless of live-animal prices. It will at all events see that each group is separately profitable on an annual basis.

Mr. President, I raised serious question at the time as to whether that letter was even worth the paper it was written on, and I ventured the suggestion that it was not.

I will not take the time to repeat the argument I advanced at the time, but let the RECORD now show that on June 8, 1945, I not only proposed, but I argued somewhat at length that the only real guarantee we could give to the slaughterhouse operators and the producers of livestock was for the Senate to rise to what I considered its obligation and put into law the principle of the Bowles letter of June 6, 1945. I suggested that if Senators were willing to accept the Bowles letter, as it was being advanced by administration forces on the floor of the Senate, then they ought to be willing to clarify it and write that letter into the law.

Now exactly the predictions many of us made at that time have come to pass. We now find in the newspapers this morning the report of at least an interview with the chairman of the fact-finding board which has been called upon to find facts in regard to the wage issues in the packing industry. That interview reports that a fair wage cannot be paid on the basis of the profits which are being made by the packing industry because of the OPA price policy. Apparently if the wage that is going to be recommended by the fact-finding board is to be paid it is going to be necessary for the Government to take action either by way of subsidy or by way of price changes. We should have foreseen that, it seems to me, last June, and paved the way by enactment into legal principle of the remedy which ought to have been enacted at that time.

Mr. President, I should like to have incorporated in the RECORD as a part of my remarks a letter to Mr. Bowles dated February 6, 1946, written to him by Mr. Wesley Hardenbergh, president of the American Meat Institute, which discusses at some length the situation which prevailed in the Senate on last June 8, and also discusses at some length the financial situation in which the packing industry finds itself. I should like to have the letter incorporated in the RECORD at this point as a part of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN MEAT INSTITUTE,
Washington, D. C., February 6, 1946.
The Honorable CHESTER A. BOWLES,
Administrator,
Office of Price Administration,
Washington, D. C.

DEAR MR. BOWLES: During the hearings before the fact-finding board of the meat packing industry, representatives of the Office of Price Administration took the position that the meat-packing industry could absorb a substantial percentage of any wage increase that might be recommended by the Board.

The industry is surprised and greatly disturbed by this position of your representatives—

First, in view of the facts presented to the Board;

Second, as a matter of fairness to the meat-packing industry;

Third, on the basis of the Stabilization Act as amended in 1945; and

Fourth, because of past commitments of the Office of Price Administration which remain in effect and unsatisfied.

We contend that maximum wholesale prices on products resulting from the processing of cattle and calves, lambs and sheep, and hogs, the processing of each species being separately considered, have not over the past year allowed, and do not currently allow, for a reasonable margin of profit to the meat-processing industry as a group.

Under these circumstances, the meat-packing industry cannot, and must not, be expected to absorb any portion of any wage increases.

In support of our position, we respectfully call to your attention the following facts, legislative developments, and administrative actions relating to the meat-packing industry over the past several months:

Financial reports submitted by 78 companies, small, medium, and large, located in all parts of the country, equaling more than 67 percent of all federally inspected slaughter, show net profits (before taxes) per hundred-weight alive of only the following amounts:

For the fiscal year through October 1945:	
	Cents
Cattle and calves.....	2
Hogs	4
Sheep and lambs.....	7

For the 4-month period July through October 1945:

	Cents
Cattle and calves.....	20
Hogs	30
Sheep and lambs.....	21

You will recall that the Price Control Act as originally enacted provided that maximum prices should be "generally fair and equitable," and an amendment to the Stabilization Act provided that "a generally fair and equitable margin should be allowed" for processing livestock products. The construction placed by the Office of Price Administration upon these provisions was that prices were "generally fair and equitable" and that "a generally fair and equitable margin was allowed for processing" if the current over-all industry earnings before Federal taxes equalled or exceeded the over-all industry earnings before Federal taxes during a base period 1936-39.

The regulations promulgated pursuant to this price policy placed controls both on the price of cattle and hogs and the price of products of livestock, and resulted, together with the tightening supply situation and increased costs, during the latter part of the fiscal year 1944 and for the several months thereafter, in a squeeze on the customary and necessary operating margins of the packing industry in the pork, beef, and lamb departments.

By January 1945, losses had become so severe that many meat packers were forced drastically to curtail or to suspend their operations.

These facts were well known to the Office of Price Administration through advice from its industry advisory committees, committees representing the industry, formal protests, complaints by many individual companies and testimony given before congressional committees. The existence of a scandalous widespread black market and the maldistribution of meat were a matter of common knowledge.

Notwithstanding full knowledge that its pricing policy was causing heavy losses on every animal slaughtered, thereby compelling law-abiding companies to curtail or suspend operations, the Office of Price Administration failed and refused to grant any relief, and, beginning in February 1945, committees of Congress made extensive investigations of the meat situation and published findings that the squeeze on meat processors was a factor contributing to the serious meat situation.

The Special Committee To Investigate Food Shortages for the House (the Anderson committee) recommended:

"We must therefore urge a fresh approach that guarantees these margins as a matter of right."

The Special Subcommittee on Agriculture and Forestry for the Senate recommended:

"That the Price Control Act be amended to require and direct the Office of Price Administration to give to processors of livestock a reasonable margin of profit for processing each species of livestock."

Senator ELMER THOMAS of Oklahoma proposed an amendment to the joint resolutions extending the Price Control Act and the Stabilization Act designed to correct the faulty pricing policy of the OPA and prohibit the use of "the over-all industry profits test." The Thomas amendment would have made any maximum price unlawful for the products of any species of livestock that did not allow for the recovery of any processor's total costs plus a reasonable margin of profit not less than the profit earned in a representative base period.

The Office of Price Administration opposed any amendment and agreed to cure the defects and eliminate the causes administratively and on June 6, 1945, addressed the following letter to Senators THOMAS and McKELLAR:

"You have asked for a statement of the policy which the Office of Price Administration will follow in pricing the products of the various species of livestock.

"Recognizing the critical shortage of meat and the imperative need of avoiding any impediment to maximum production and even distribution, this Office, in addition to satisfying all the various mandatory requirements of the present law, will see that the products of each of the three main groups of livestock—cattle and calves, hogs, and lambs and sheep—are each separately considered, on a profitable basis.

"To the fullest practicable extent the Office will see that each of these groups of products is separately profitable at all times, regardless of live-animal prices. It will at all events see that each group is specially profitable on an annual basis.

"I have discussed this letter with Judge Vinson and Mr. Davis, and they authorize me to say they concur in it."

During the debate on the Thomas amendment in the Senate, the administration objected to the amendment on the grounds that (1) the Thomas amendment applied to all agricultural products whereas meat was the only commodity needing legislative relief, and (2) the Thomas amendment was impossible of administration because it would require the collection and analysis of the OPA of detailed figures from every company in the industry before wholesale ceiling prices could be established or changed and would require individual ceiling prices for each company.

Senator BARKLEY, the majority leader, offered a substitute amendment for the Thomas amendment, and it was enacted into law as the Barkley-Bates amendment.

When Senator BARKLEY offered his substitute amendment, he read your letter into the RECORD and said:

"Mr. President, a Member of the Senate has said, 'Why cannot that be integrated into the law. Why, instead of having a letter from Mr. Bowles saying he is going to do this, cannot we have it written into the law?'"

"I have undertaken to do that by means of a substitute which I now send to the desk and ask to have read. I offer it as a substitute for the amendment offered by the Senator from Oklahoma" (CONGRESSIONAL RECORD, June 11, 1945, p. 5867).

In the course of debate Senator BARKLEY said:

"Mr. BARKLEY. Of course, the amendment provides that each category shall be dealt

with separately. In other words, a maximum price would be fixed for sheep and lambs as though the producer were producing nothing else but sheep and lambs. Then a ceiling would be fixed on hogs, in dealing with that category separately as if the processor were dealing in that category only. Cattle and calves would be dealt with as a separate category, whether sold as steaks or veal. The purpose is not to put them all together in a sort of hodgepodge of meat.

"Mr. FULBRIGHT. On that basis, I do not think there is a great difference between the cost of production as between large producers and small producers.

"Mr. BARKLEY. The prices of the so-called Big Four or Big Five are determined on the basis of everything they made and everything they distribute; whereas if they were not making anything except the products of cattle, sheep, hogs, and so forth, their average unit profits might be no greater than that of the average small company that makes none of these extra things in his manufacturing process" (CONGRESSIONAL RECORD, June 11, 1945, p. 5868).

In the course of the debate Senator BARKLEY clearly indicated that the same margins should be allowed all processors, and said:

"Mr. BARKLEY. I think so, because, assuming that a reasonable profit margin is to be allowed to the processing industry—and I assume that that would be the case, because Mr. Bowles in his letter to the Senator from Oklahoma said that is the policy the OPA is going to inaugurate, and I am trying to integrate it into law—and that some of the processors will make profit enough to enable them to pay more for the livestock they process, automatically that will increase production.

"Mr. WHERRY. Then basically there is no difference between the Senator's amendment and the so-called Thomas amendment, except the amendment of the Senator from Kentucky applies to the processors in groups rather than as individuals. Am I correct?

"Mr. BARKLEY. It applies to the processors as an industry, as a group.

"Mr. WHERRY. Rather than as individuals.

"Mr. BARKLEY. Yes; rather than to each individual, for the reason I have attempted to outline. If it is applied to each individual, there cannot be any uniformity of prices in any community, and if the over-all is fixed high enough to reach the less efficient, the smaller man, it must be made so high that the big man will get more profit than he ought to have.

"Mr. BARKLEY. In other words, a Senator's vote probably will be determined, at least in part, by whether he thinks the OPA ought to deal with each individual processor and fix his profit separately, or with the industry of processing as a whole. There is one other difference. My amendment deals only with livestock and meat, whereas the pending amendment deals with cotton, textiles, etc." (CONGRESSIONAL RECORD, June 11, 1945, pp. 5868-5869).

It is clear that Congress intended by the enactment of the Barkley-Bates amendment, to prohibit the pricing policy theretofore followed by the OPA (the over-all profit theory) and prevent any further squeeze on meat-processing margins.

The meat-packing industry was entitled to assume that, from and after your assurances to Congress and the amendment of the law, any company with average costs and efficiency would be permitted to slaughter and process livestock and sell at maximum wholesale prices that would permit the recovery of all its costs, plus a reasonable margin of profits, for each separate species.

Notwithstanding numerous and widespread complaints that existing maximum prices failed to return a reasonable margin of profit by species on an industry basis, no relief was afforded until OPA Directive No. 90 was issued in December 1945.

On September 12, 1945, a joint committee representing the American Meat Institute and the National Independent Meat Packers Association called upon you at your office and furnished you with written proof that your commitment of June 6, 1945, to make the industry profitable by species on an annual basis had not been kept and that existing wholesale maximum prices were not in compliance with the law. You will recall that you assured the committee that you were aware of your commitment and the law and they would be met. You advised the committee that your office had collected figures from the industry, were studying them and retroactive relief would be announced on or about October 1, 1945.

I am sure that you will likewise recall that on October 25, when you appeared before the Senate Banking and Currency Committee, in response to a question of Senator HICKENLOOPER concerning your letter of June 6 to Senator McKELLAR, you said, "That will be completely carried out," and further at the same hearing you assured Senator HICKENLOOPER that the provisions of the Barkley-Bates amendment would be complied with. You also said that the adjustment would be made in 2 or 3 days. (Hearing on controlling inflation before Committee on Banking and Currency of the Senate, pp. 46 and 47.)

On November 4, 1945, the Office of Price Administration announced to a subcommittee of its beef and pork industry advisory committees what it proposed to do in carrying out your commitment to Congress and to comply with the law. The subcommittee was informed the OPA was recommending that each company be paid additional subsidy for each species of livestock slaughtered from April 1 to October 31, 1945, as follows:

	Cents per hundredweight
Cattle and calves.....	10 to 12
Hogs.....	13 to 15
Sheep and lambs.....	20

and that the same amount per hundredweight was to be paid to each company, without discrimination, on an industry-wide basis.

We are informed that the subcommittee of the beef and pork OPA advisory committees promptly advised the Office of Price Administration that the proposed subsidy payments would be wholly inadequate to make the industry profitable by species for the fiscal year just ended or to provide a reasonable margin of profit by species for current and future operations. The results heretofore set forth confirm the joint committee's views.

Directive 90, issued on December 4, 1945, as a substitute for the OPA proposal, completely changed the OPA plan by (1) reducing the amounts to be paid, (2) setting up discriminatory eligibility provisions, (3) using "income from all sources" as a standard, (4) providing for individual pricing dependent upon eligibility, amounts of sales, and other factors.

Directive 90 does not follow the law or carry out your commitment to Congress; it revives practices and policies which were condemned by both the Senate and House and which led to the enactment of the Barkley-Bates amendment, namely, control of profits, over-all earnings as a basis for maximum prices, individual pricing which OPA claimed was administratively impossible for the purpose of defeating the Thomas amendment; in effect, the directive completely nullifies the Barkley-Bates amendment.

We are sure that you are thoroughly familiar with the fact that the widespread black market has continued to flourish and that it is in some respects more serious than found by the congressional committee in 1945.

You have been fully advised from time to time of the extremely serious situation in the cattle market and beef business. It is obvious that the prices being paid for good cattle

can only be explained by a very extensive and highly organized black market in beef and noncompliance with the cattle stabilization program. Legitimate operators have been compelled drastically to curtail their beef operations, thereby further increasing their unit costs. Unless conditions are promptly corrected, the beef business will largely be in the black market. In many consuming centers wholesale and retail ceiling prices are pure fiction and the price paid by consumers is far in excess of what prices would be if legal profit margins were adequate to permit their legitimate companies to again competitively conduct business.

We respectfully submit that wholesale meat prices and meat processing margins must be immediately increased and continued so that any company with average costs and efficiency can sell at legal wholesale prices and recover all of its costs, plus a reasonable margin of profits on each species of livestock.

We further request that you immediately review the position taken before the Fact Finding Board by your representatives on the question of absorbing any part of the wage increase recommended by the Board or finally placed into effect in the meat-packing industry.

Not only do we believe that any absorption would be contrary to the legal requirements and commitments of the Office of Price Administration, but we also believe it would do great harm to the legitimate operators and thereby accentuate your already serious problem of enforcing meat price ceilings.

Very truly yours,

AMERICAN MEAT INSTITUTE,
WESLEY HARDENBERGH,

President.

Mr. MORSE. Mr. President, I close my remarks by saying again that there are those of us on both sides of the aisle who believe that we must use price control during this abnormal reconversion period as one of the weapons with which to fight inflation. If we are not successful in the battle against inflation, then we may make up our minds to the fact that in the very near future, and I speak in terms of weeks, the lid is off, the American dollar will depreciate in value, and we will adopt by way of inflation an unconscionable repudiation policy in this country. A great many people with fixed incomes and a great many people whose savings are almost limited entirely to war bonds are going to find that their savings and bonds will greatly depreciate in value.

I happen to be one, as I have said over and over again, who believes that we will have to maintain, for at least 12 months, price control and restricted price policies on a good many commodities, especially those which involve principally necessities of life, and in regard to which there is a great scarcity. But I repeat that we must have an OPA policy which permits of adjustment quickly on the basis of the facts as they can be presented from time to time. That is why I am willing to join with the Senator from Nebraska and raise my voice once again for the resolution which has long been sleeping in the Committee on Banking and Currency calling for an investigation of OPA. The Senate has a responsibility to consider the resolution. The Senate ought to set up a Senate committee through which we can channelize the complaints and criticisms of OPA in order to sift the truth from what is false, and so that that committee can work as

a strengthening arm to OPA in those instances in which OPA is right. We need such a committee to be available to see to it that wrongs perpetrated by OPA, arbitrary practices of OPA, maladministration of OPA, incompetency which exists in OPA, shall be quickly brought to the attention of the Senate and adequate remedies put into effect.

Yes, I know that if one so much as speaks a word of criticism against OPA then there are pressure groups in America that say, "You are trying to destroy OPA." I repeat that in my judgment the real friends of OPA in the Senate of the United States, are those who have taken the position which the junior Senator from Oregon has taken many times on this floor, that we ought to set up, under the provisions of the resolution I submitted months ago, a senatorial investigating committee to find out what the facts are in regard to the administrative practices of OPA. Such a committee should be available at all times to protect OPA when it is right, when the facts warrant its protection. But certainly steps should be taken to remedy abuses when the facts of a case show that OPA is in error.

APPEAL FROM DECISION OF THE CHAIR ON CLOTURE MOTION

The Senate resumed consideration of the appeal of Mr. BARKLEY from the decision of the Chair sustaining the point of order of Mr. RUSSELL that, under the rule, the presentation of the cloture motion on the FEPC bill was not in order.

Mr. BILBO. Mr. President—

The PRESIDING OFFICER (Mr. JOHNSTON of South Carolina in the chair). Does the Senator from Louisiana yield to the Senator from Mississippi?

Mr. ELLENDER. I yield with the understanding that I will not lose my right to the floor.

Mr. BILBO. With that understanding, Mr. President, I wish to take a few minutes to present some matters, before further discussion of FEPC and kindred subjects has been closed in this debate.

Last week while speaking on this question the Senator from New Mexico [Mr. CHAVEZ] asked me the question:

At any rate, would the good Senator from Mississippi consider Monsignor Ryan, of the Catholic Church, to be a Communist because of his views in regard to this bill?

To which I replied:

When God has put His hand on a man, I take mine off. Monsignor Ryan is dead.

Then the Senator from New Mexico said:

Yes; God in His wisdom, works in a peculiar fashion.

I do not know whether the Senator knows Bishop Shelly; but would the good Senator from Mississippi, who is so broad-minded, say that Bishop Shelly, of the Catholic Church of Cleveland, or Archbishop Byrne, of the oldest Catholic diocese in the country, at Santa Fe, N. Mex., or Bishop Lucey, of the Catholic Church at San Antonio, are Communists? Would the Senator consider such persons to be Communists?

To which I replied:

Mr. BILBO. Mr. President, if I did not think the Senator was high-minded and honorable, and did not possess any low traits of chil-

canery, I would think that his question indicated that he was trying to make a statement which the press could use in an attempt to show that BILBO was against the Catholics. I am not against the Catholics. Some Catholic priests in Mississippi are making the same fight that I am making.

Mr. CHAVEZ. I assure the Senator that that was not the purpose.

Mr. BILBO. Well, the Senator from New Mexico is a Catholic and he should know about the priests of the Catholic Church. So when the Senator from New Mexico gets the floor in his own right he can tell the Senate all about the Catholics and what they believe and what they stand for. I will take care of the Baptists and Methodists.

I started to say, "to my surprise," but that would be wrong, because I am not surprised at anything the Southern Conference for Human Welfare would do, because I know the character of those who are officers and managers of the Southern Conference for Human Welfare—

Mr. McMAHON. Mr. President, will the Senator yield?

Mr. BILBO. I yield, provided the right of the Senator from Louisiana [Mr. ELLENDER] to the floor is not disturbed.

Mr. McMAHON. The Senator does not imply by what he just stated, does he, that there is any difference in the patriotism or devotion to our country of those who may embrace one religion rather than another?

Mr. BILBO. Did the Senator hear me read from the RECORD?

Mr. McMAHON. No; I did not. I just entered the Chamber.

Mr. BILBO. That accounts for his question, which could not apply to the Senator from Mississippi. Certainly not.

Mr. McMAHON. The Senator's answer would be informative to me, and I should like to know the answer.

Mr. BILBO. I have been associated with the Senator long enough to know that by this time he should know that at no time, under no circumstances, by direction or indirection, innuendo or insinuation, have I ever said that a man's religion had anything to do with his patriotism.

Mr. McMAHON. I thank the Senator very much, indeed, for that statement.

Mr. BILBO. I am glad to plant that thought in the Senator's mind, and I trust in the minds of the other citizens of our country.

After this colloquy between the Senator from New Mexico and myself I received the following letter from Meridian, Miss., dated February 2, 1946:

DEAR SENATOR BILBO: This afternoon I forwarded to you a letter I received from the Southern Conference for Human Welfare, signed by its executive secretary, together with a separate plain sheet of paper containing the names of prominent church men and women in Mississippi and other Southern States which was enclosed with the letter referred to above. A few minutes ago Dr. Norman W. Cox, pastor of the First Baptist Church here—

That is, at Meridian, Miss.—

and president of the Mississippi Baptist Convention, called me and stated that a friend had advised him that his name appeared on the plain sheet of paper referred to above.

When I read the mimeographed sheet I was then confident that this organization enclosed the sheet to fraudulently represent that the persons whose names appeared

thereon were in sympathy with the movement to procure telegrams condemning you for your opposition to the Fair Employment Practices Act now pending before the Senate. Dr. Cox advised me over the telephone that he did not know his name was being circulated by this organization, that he was not in sympathy with the movement of that organization as was expressed in the letter to me, that he did not authorize his name to be used, and wanted me to show him what I had received in the mail. But I had already deposited the letter in the post office and it left by air mail this afternoon. By all means return the two pieces of paper to me when they have served their purpose so that I can show them to Dr. Cox. He is very anxious that this be done and, in justice to him, I am anxious also.

Sincerely yours,

FRED A. ROSS.

By the way, Mr. Ross is a former sheriff of one of the largest counties in Mississippi.

I have before me a letter, a telegram, and other matters sent out by the Southern Conference for Human Welfare, signed by James A. Dombrowski, executive secretary. The following letter is dated January 31. Senators will remember that the colloquy which I read awhile ago occurred on January 30.

NASHVILLE, TENN., January 31, 1946.

DEAR FRIEND: We are writing to ask you to join with other Methodist and Baptist ministers and laymen in signing the open telegram below to Senator BILBO. If you wish to have your name included, please send me a telegram collect. Simply say, "Use my name," and sign. Please give the correct name of your church or title if not given correctly on the attached list.

If you can secure one or two other signatures, we will welcome your help. It is important to hear from you at once. This telegram should be sent tomorrow night (Friday) or not later than Saturday.

Sincerely yours,

JAMES A. DOMBROWSKI,
Executive Secretary.

This is the telegram which the notorious secretary of the Southern Conference for Human Welfare, which I conclusively showed, in my 2-day address last week, to be a Communist-front organization, sent to me. If Senators have not had an opportunity to read my exposé of this miserable bunch of mongrels sponsored by the Communist Party, they ought to read it.

This is the telegram:

We, the undersigned Baptist and Methodist ministers and laymen—

Dombrowski prepared the telegram for the preachers to sign, condemning BILBO. That was a part of his scheme.

We, the undersigned Baptist and Methodist ministers and laymen, working for the removal of the slavery of intolerance, prejudice, and economic discrimination, resent your assuming the right to speak for Baptists and Methodists of the South, as reported in the press of January 31: "I will take care of these Baptists and Methodists."

Mr. President, there is no intimation or suggestion in anything I said in the colloquy with my distinguished and beloved friend from New Mexico [Mr. CHAVEZ] to indicate that I was assuming to speak for the Methodists or Baptists of the South or of my State. There might be an intimation that I might speak about the Methodists and about the Baptists, but most certainly I was

not intimating that I was assuming the right to speak for the Baptists or for the Methodists. Sometimes it is necessary to talk about some of them, but certainly I would not be audacious enough to try to assume the right to speak for them. I shall select the individuals about whom I wish to speak.

By resorting to the unprincipled method of the filibuster in your assault upon the fair employment practice bill—

Mark that. This man Dombrowski, who is representing the Communist Party in the South, in the Communist-Front Southern Conference for Human Welfare, is trying to put in the mouths of Methodist and Baptist preachers whom he can induce to sign the telegram, the statement that filibustering is an unprincipled method, when it was shown in the speech which I delivered last week on the history of filibustering, that filibustering has been engaged in by Members of the United States Senate since 1790. From time to time through the years in this great forum, the greatest in the world, where unlimited debate has been permitted—even without closure until 1917—from the year 1806 up until the present it has become necessary for the minority on this floor, representing sovereign States of the American Union, to defend the rights of their constituents, the rights of their sovereignties, by resorting to extended remarks, sometimes called filibustering. Yet this miserable creature wishes to make these men of God say that filibustering is an unprincipled method. It has been recognized and honored by the great men of this body in the days gone by. The records show that every filibuster which has been successfully conducted has resulted in great good to this Republic.

Today we heard possibly one of the best speeches of this session of Congress from the minority leader on the Republican side [Mr. WHITE] denouncing closure as a method of curtailing or limiting discussion of any issue which comes before this distinguished body.

I continue to read from the telegram:

You and your associates have formed an unholy compact to delay the coming of social progress in the South and the coming of a world of brotherhood, peace, and democracy.

What Dombrowski means is just what every other Communist means. When he speaks about the coming of a world brotherhood, he is speaking about the coming of social equality between the Negroes and the whites in this country, miscegenation, mongrelization, intermarriage, interbreeding, doing away with white and blacks and making them all yellow. That is what he is talking about. That is the social progress which this "unholy compact" is delaying. I pray God that we may have strength enough always to delay it. I hope we can continue until this question is settled right and this Republic is saved from the day when all its citizens will be yellow and this will be a country of mongrels, mulattoes, and half-breeds.

I continue to read from the telegram:

We wish to remind you that the punishment assigned to that evil servant who said in his heart, "My Lord delayeth His coming," and began to smite his fellow servants, was

that he should be cut asunder and his portion assigned with the hypocrites.

This is more of the telegram which Dombrowski prepared for the preachers to sign:

The day is at hand when political punishments of this sort will be meted out in the new South—

The new South! Their idea of the new South is a South where social equality of the Negro will be permitted and the 10,000,000 Negroes in the South will become part and parcel of the social life of the South—intermingling, interbreeding, intermarrying, mongrelizing! That is the "new South" they talk about.

I continue to read from the telegram:

To its reactionary representatives who with their faces turned backward are engaged in smiting their fellow servants. It is inevitable that conditions of justice, tolerance, and equality be created.

That is the telegram.

To that telegram is attached a list of signatures of preachers in Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Oklahoma, Texas, and Virginia. They are only a few of the preachers to whom the telegram which I have just read was sent. Dombrowski sent it to 22 preachers and leading laymen of the different churches in Mississippi. After he had gone to the expense of trying to have that telegram, which is filled with misrepresentations, signed by the preachers, all in an effort to condemn me for what I said in the colloquy to which I have referred, when I said I would take care of any Methodist or Baptist preachers who went haywire on this question or any other question, although I did not assume the right to speak for them, here are the ones out of the group of 22 in Mississippi to whom he sent the telegram who actually agreed to have their names attached to it as signers: Let me say that the ones who replied in that way are rather limited in number. He heard from Mrs. W. H. Ratliff, of the Southeastern Jurisdictional Council of the Methodist Church, at Clarksdale. She is the same lady who signed a bunch of telegrams or petitions which were circulated in the press gallery and sent to each Member of Congress last week. The same lady signed the telegram which was sent to her by Dombrowski. In other words, she puts her "John Hancock" on anything that Dombrowski sends to her to sign.

Another person who agreed to let his name be used as a signer of the telegram was Rev. Stewart Smith, of Vicksburg. He is the son of Joseph A. Smith, and is a nephew of Lillian Smith, who wrote that book of all books, *Strange Fruit*, that glorification of a love affair between a Negro woman and a profligate white man in the South. That book has received widespread condemnation in the severest terms. Mr. President, let me point out, for instance, that the good people of Massachusetts, with their excellent taste and sense of the proprieties, scorned that book; and the Supreme Court of that State denounced the book in the strongest terms saying that it was lascivious, demoralizing, and disgraceful.

As I have said, Rev. Stewart Smith is the nephew of the lady who wrote that book.

Another one who agreed to have his name used as a signer of the telegram is Rev. Walter L. Russell, president of Wood Junior College, at Mathiston, Miss.; and the telegram is also signed by Dr. Jasper Weber, president emeritus, Wood Junior College; and Dr. H. M. Williamson, dean of Wood Junior College. All those gentlemen are from Mathiston, Miss. Wood Junior College happens to be a little school which was established by northern capital right after the reconstruction days. It has been operating in a country district of my State. At one time I delivered an address at the commencement exercises at the school. It is a fine little school, but it has teachers who have been imported from the North, in order to inculcate into the minds of the young people of that section of the State the ideals and beliefs of the northern people. The three persons whose names I last read agreed to have their names added to the telegram as signers.

Another signer is Rev. Joseph A. Smith, of the Centenary Methodist Church, at McComb. He is a brother of Lillian Smith, to whom I have previously referred.

Another signer is the Reverend James S. Conner, of Leavell Woods Methodist Church, at Jackson, Miss. He is a newcomer to me, I do not know him. Another signer is Mrs. L. W. Alford, of McComb, Miss. She denounced me as well as my colleagues who have seen fit to oppose this unthinkable piece of legislation.

Mr. President, in the meantime, I have received the following telegram:

MERIDIAN, MISS., February 2, 1946.
United States Senator THEODORE G. BILBO,
Senate Office Building,
Washington, D. C.

Use of my name by Dombrowski totally unauthorized. You will find it in material of letter you will receive from Fred Ross. I do not belong to nor do I approve of the Southern Conference of Human Welfare program. I am totally opposed to the fair employment practice proposal and approve of your stand.
NORMAN W. COX.

By the way, he is the head of the Baptist State Convention of my State.

So, Mr. President, we find that when Dombrowski sent out the telegram which he had concocted, he attempted to leave with those who received it the impression that all the persons whose names were on the list attached to it would actually sign the telegram condemning Bilbo and his 25 or 30 colleagues in the Senate who are fighting this damnable piece of legislation.

In the meantime, Mr. Ross, who had received this junk from Dombrowski, sent me a telegram; he could not wait. His telegram reads as follows:

MERIDIAN, MISS., February 2, 1946.
Senator THEODORE G. BILBO,
United States Senate, Washington, D. C.:

I have sent the following telegram to James A. Dambrowski, secretary, Southern Conference, Human Welfare, Nashville, Tenn. "Regarding your letter of January 31, this is to advise you that you are doing more to reelect THEODORE G. BILBO to the United States Senate, by an overwhelming majority, than any other single organization, with the possible exception of the Communist front op-

erating in New York, Washington, and Moscow.

"The people of Mississippi are not as stupid as you apparently think. Your letter is being forwarded to Senator Bilbo, with the request that he incorporate it into the Journal of the United States Senate so that the American people will know the method of you and your group to promote racial distrust and hatred in the United States."

FRED A. ROSS.

Entirely in line with the idea which is expressed in that telegram—namely, that all this dirt and mud being dished out by my Communist friends is just a help to me, not a hindrance—I wish to read a little editorial from the Decatur, (Ala.) Daily News:

BILBO OR ELSE

If you lived in Mississippi would you vote for reelection of Senator Bilbo this year? Now wait, before you answer. When Walter Winchell, the PAC, the FEPC, the NAFAOFCP, the Southern Conference for Human Welfare and groups like that tell you not to vote for a man, isn't your reaction pretty apt to be what the reaction of the people of Mississippi is apt to be come election day?

Mr. President, it has been rumored that the PAC, the CIO, and some of the other minority groups in the North are going to spend several hundred thousand dollars or a million dollars or so in Mississippi between now and the 2d of July to accomplish my defeat. I have just this to say: I have already organized in Mississippi. Let them send down the million dollars to accomplish my defeat. My friends are ready to receive it. We will take the money, give it a bath to get the taint off of it, then spend it for useful things, and then all vote for Bilbo. That is the way we will work with it.

In that connection, I wish to read a letter which I have just received from Mississippi. It will give some idea of just what is the attitude of the people of Mississippi:

JACKSON, MISS., January 24, 1946.

HON. THEODORE G. BILBO,

United States Senator (Mississippi),
Senate Office Building,
Washington, D. C.

DEAR SIR: We wish to commend your fight against the vicious and dangerous FEPC bill.

We continue to support your general racial outlook. We believe in what you believe in, and you can depend on us for everything from a vote or a letter to a fight.

The present apathy existing in the Nation, as well as in the South, concerning the importance of a racial viewpoint, is as alarming to us as undoubtedly it must be to you. Unless something is done to take the aggressive and carry the war into Africa, so to speak, the Nation is doomed beyond hope of recovery. The mere force of inertia and traditional custom will not be sufficient to turn back the tide. A dynamic faith is necessary to fight a dynamic, if sinister, faith. This is God's truth; and we wish we could say it to those who need to hear it a great deal more than you.

Even if you succeed in sidetracking this bill temporarily, and do not institute a countermovement against these diabolical forces, we will deserve the fate which will inevitably overtake us.

Frankly it is our opinion that we should resist by arms if necessary any attempt of this illegal commission to enforce a communistic tyranny on the Nation. We know that the vast bulk of the American people actually stand with all of us, but for some unaccountable reason remain impotent and

supine under the total domination of an unscrupulous minority.

We intend to vote for you, for we love you for the enemies you have made. We hope you will take your gloves off, and tell the people of Mississippi what it is all about in the next election.

Sincerely yours.

At this point I wish to read a letter dated January 24, sent to me from New York:

It is with great interest that I a southerner, stationed up here in Yankee country, read of your fight along with the other Senators, in opposition to the FEPC.

Keep up the good fight. A lot of us officers and soldiers are in sympathy with the opposition to that scandalous legislation. Although the northern Senators say that their voting populace is for the bill, I have heard many citizens of this small town in New York express opposition and furthermore state they will defeat Dewey and other Republicans for sponsoring that type of bill in the New York Senate and House last session.

I spent a period of 6 months in Mississippi down at Kiln, Miss., in charge of a CCC camp way back in 1935. I rode through Poplarville many times and have seen your home there. I also have seen some of the things you did for Mississippi while Governor. The problems concerning race are many in your State and if some of these dumb people would pay a visit there and see for themselves, a lot of this castigating would stop. My home is now in Virginia, and naturally am biased for the South, but I feel I am cosmopolitan enough to know a pressure group when I smell one, and that is just what you Senators are facing today. Keep up your courage, Senator, for you have many supporters who have not expressed a feeling as yet.

I expressed my feeling to Senator EASTLAND back in the summer when he so gallantly exposed the failure and cowardice of the Negro soldier. He was absolutely right. Again I say, success to you in this fight.

Mr. President, the writer of the letter which I have just read is a captain in the Army, whose name I cannot reveal.

I have recently received from Tsingtao, China, a letter dated January 22, 1946, bearing the signatures of approximately 65 marines. About 15 of the 48 States of the Union are represented in this letter. The letter reads:

DEAR SENATOR BILBO: We have been following you in your great fight against the FEPC ever since this black piece of legislation was introduced into the Senate, and we got so darned mad at the continued attacks upon you by such magazines as Life and Time—

I believe those magazines are controlled by Mr. Henry Luce, the husband of Mrs. LUCE, a Member of the United States House of Representatives—

that we decided to write you just how we feel about the whole thing.

If the people in certain States want to live with the Negro, let them do it. That's democracy, but for heaven's sake why can't they let the other people in the United States who feel different alone. In our estimation this FEPC is the most damnable piece of legislation that has been introduced in Congress in 80 years, and we want you to know that we are 100 percent behind you in your fight to defeat the FEPC, and always will be.

As I have already said, this letter is signed by about 65 marines. They are from New Jersey, Georgia, Tennessee, Texas, Pennsylvania, Alabama, West Virginia, North Carolina—O, Mr. President,

there are about 15 States from which these marines came.

Keep up the fight and never give up. We, the undersigned, are 100 percent with you in wishing you an early victory over the FEPC.

I read the postscript to the letter:

The above-named marines didn't fight for anything that even smelled like the FEPC, and I know not one of their buddies died for anything that smelled like it. Show this to some of your fellow Senators if they think the servicemen favors it.

Mr. President, I am indebted to the Senator from Louisiana [Mr. ELLENDER] who has been kind and courteous to me. I wish to read one more letter. It comes from Atlanta, Ga., and reads as follows:

I am in an office with eight other people and they have asked me to write you this letter. Due to the circumstances surrounding our employment, we are not signing this letter.

We want to thank you for your vigorous fight against this vicious and un-American FEPC Act. Regardless of the statement of Clark Forman, the head of the Southern Society for Human Welfare, Senator GEORGE represents the sentiment—the overwhelming sentiment—of the people not only of Georgia but of the entire South. This Society for Human Welfare recently lowered itself still further by bringing a Negro woman, who styles herself "Dr. Bethune," down here to tell us how we ought to treat the Negro problem in the South.

As to this petition signed by 3,600 southern people to do away with filibustering, when you consider that they probably honeycombed the entire South, and after weeks of laborious effort were able to secure only that relatively small number, I don't think anyone need give such a petition such attention.

Mr. President, last week I explained that about 4 months were required in order to get the petition into shape so as to be sent to Members of the Senate.

This bunch of fatheads are now doing nothing in the world but seeking to bring about social equality in the South. This crowd of renegade southerners might as well realize that if the FEPC is enacted into law it is going to cause race riots all over the South.

Mr. President, we all know that. Senators from the North do not appreciate the fact when we tell it to them. We have been born and reared among Negroes and we know the customs and sentiments of the South, both among the Negroes and among the whites. I was for 8 years the Governor of Mississippi, and God knows I ought to know what I am talking about. Regardless of the fact that I was Governor, the Negroes of Mississippi are my friends because I have always treated them fairly. As individual citizens they have their rights, but they are not entitled to social equality with the whites. We object to social equality because we have some regard for the integrity of white blood, and we know that social equality leads to miscegenation, which in turn leads to social equality in marriage, which in turn leads to mongrelization of the race.

I continue reading from the letter.

Every southern governor, including even Georgia's Little Boy Blue, has recently condemned the FEPC, and so has Mayor Hartsfield of Atlanta.

Keep up your fight and accept absolutely no compromise. The South is almost solidly

behind you. If you seek a compromise it will only mean you have got to go through another fight on the vicious bill at every future session of Congress.

We are sending copies of this letter to some of the more or less prominent gang who signed this petition to invoke cloture.

Yours truly,

NINE RED-BLOODED GEORGIANS.

I may say to the Senate that the authors of the letter need not urge us to keep up the fight, because this fight, like Tennyson's brook, is going to continue forever. We are fighting for principles, for our constituencies, for the sovereignty of our States, and the integrity of the blood of the Caucasian race. We shall continue to fight, and we want our opponents to know that we will keep up the fight until the proponents of the pending measure—or, I should say, the sponsors of the pending measure—who come here to administer drinks of stimulants to those each day who are sponsoring the bill, are convinced that their fight is lost. We will fight on until the sponsors on bended knee pray, "Please, O Southerners, quit blowing that hot air on us." [Laughter.]

Mr. KNOWLAND. Mr. President, will the Senator from Louisiana yield to me with the understanding that he will not be taken off the floor?

Mr. ELLENDER. I yield.

Mr. KNOWLAND. Mr. President, it is not often that I disagree with my distinguished colleague from the State of Maine [Mr. WHITE], for whom I have the highest admiration and greatest respect. But on the question of cloture and the advisability of it, I must disagree with him today.

I have recently returned, as a member of the Mead—former Truman—committee, from a 30,000-mile trip by air around the world. During the trip I saw conditions existing in the Far East. Once again I had an opportunity to see conditions which exist in Europe where I had served as a member of the Army for 18 months. No man can return home after seeing the conditions which prevail in Europe and in Asia without realizing that the coming of VJ-day and VE-day did not bring a solution to the great problems which face the American people and the people of the world.

I returned to this country convinced that anything which I could do to uphold the United Nations Organization and the establishment of a firm system of international law and order should be done. I am convinced that civilization as we know it cannot survive another world war.

We returned to the United States and found serious domestic problems facing the people of our country. Those problems affect the productivity of the Nation and involve conditions which may lead us into a great spiral of inflation which would wipe out the life savings of many of our people. We returned and found that the Senate of the United States had been tied up since January 17 with a filibuster which was preventing the Senate from conducting the public's business.

I cannot help believing that this is a good deal like a sit-down strike. I cannot help believing that the action of our

colleagues on the other side of the Chamber in conducting this filibuster is as effective against the legislative processes of government as would be a mass picket line marching up and down in front of the doors of this Chamber.

I believe, Mr. President, that 1946 may well indeed be the year of decision for the American people. I believe that as Senators of the United States we have a grave obligation to the people of our Nation and to the people of the world who are looking to America for world leadership, a grave obligation to show to them that representative government, as such, can function, and that it can function better than any other form of government in the world.

Mr. President, I do not believe that the demonstration which has been conducted here since the 17th of January would give any confidence to those who believe in representative government in this country, or who believe in representative government abroad, and are looking to the example of America. I do not believe we have given them anything which can make them confident that our form of government is better than their forms of government.

We have just emerged from a great world war in which representative government and constitutional institutions were challenged by those who believed that some form of statism was a better form of government than representative democracy as we know it, and with a great sacrifice of life and a great expenditure of wealth we came through that war and were victorious. Yet, Mr. President, at this time we find the processes of government stifled, we find the hands of the greatest legislative body on the face of the earth tied so that it cannot function, so that it cannot carry on and meet the serious legislative problems which are already facing this body.

For the reasons I have stated, Mr. President, I signed the cloture petition, and I shall support the motion for cloture on this and any other issue when a minority of this body seeks to prevent the representatives of the people of the United States from functioning under our due obligations. [Manifestations of applause in the galleries.]

The PRESIDING OFFICER (Mr. OVERTON in the chair). The galleries will remain quiet. The occupants of the galleries are here as guests of the Senate. There will be no demonstration either of approval or disapproval of anything uttered on the floor of the Senate.

Mr. ELLENDER. Mr. President, I wish to say that I was very glad to relinquish much of my time today in order to give to my colleagues an opportunity to speak, but I freely confess that I think I made a very serious mistake. Perhaps I should have given my time only piecemeal, so that I could have in the Senate Chamber a few more Senators to listen to what I have to say. As the Presiding Officer will notice, there are but two Senators present on the floor of the Senate besides myself.

Yesterday during the course of my remarks I spent about 4 hours on the introductory part of the speech I am about to deliver. When the Senate recessed yesterday afternoon I was submitting to

my colleagues some facts and figures relating to the number of Negroes and whites incarcerated in the State and Federal prisons and reformatories, and attempting to compare the number who were incarcerated in prisons and reformatories in the South with those incarcerated in the North.

In giving the figures I propose to present this afternoon I wish to say that I am not animated by any feeling of hatred or malice or animosity toward the colored people. I have lived among them all my life, and I know they are good people and are well treated. I know from my own experience that we of the South have treated the colored people well; we love them; but we do not associate with them to the extent of putting them on the same social basis with the white people.

As I stated yesterday, the Senate had better take heed of conditions which have prevailed in other countries which have placed colored people and members of the yellow race and the red race on a plane of social equality with the white people.

I cited the example of Brazil. I presented the example of Egypt and India, to show historically that the mixture of the white race with the colored or with the yellow has produced a mongrel race, and as a result progress has been stymied.

I shall not devote any time this afternoon to that subject, as I propose to take it up about Monday or Tuesday of next week, but I shall continue to give figures showing the number, respectively, of white and colored prisoners confined in State and Federal prisons and reformatories for the year 1936, and contrast the figures between the North and the South.

My purpose in placing these figures before the Senate and the country is to show, so far as I can, that although there are in the South three-fourths of the Negro population of the country, in contrast with the number in the North, yet among the colored people of the North more crime is committed than among the colored population of the South.

I indicated yesterday, the figures for 1934-35. I shall now give the figures for 1936, which indicate the number of prisoners received in State and Federal prisons and reformatories for the entire year.

In 10 Southern States—3 States did not report—the number of prisoners aggregated 6,886, out of a total colored population of 5,779,958, or at the rate of 12 to 10,000 of population.

In the 35 remaining States, with a population of 3,085,508 colored people, the prisoners incarcerated in State and Federal prisons aggregated 8,592, in contrast with 6,886 in the South. On the basis of 10,000 population, the figures for the Southern States show the rate to be 12 as against 23 for the 35 remaining States.

In the 10 Southern States, with a population of 19,611,562, there were 9,339 white persons incarcerated in the State and Federal prisons and reformatories as against 35,369 white persons incarcerated in the remaining States, with a population of 84,718,040.

I give the rate per 10,000 of population. In the 10 Southern States the rate of white persons incarcerated was

4.8, in contrast with the rate in the remaining States of 4.2. I call particular attention to how close the percentage rates are of white persons incarcerated in prisons and reformatories in the 10 Southern States compared with those incarcerated in the remaining States. Then I contrast that with the percentage rate for colored persons incarcerated, which was 12 per 10,000 in the Southern States as against 28 in the remaining States.

Mr. President, I ask that the table be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Prisoners received in State and Federal prisons and reformatories, 1936

	Number of prisoners ¹	Total population ²	Rate per 10,000
Negroes:			
10 Southern States ³ (3 Southern States not reporting)	6,886	5,779,558	12
35 remaining States and District of Columbia	8,592	3,085,508	28
Whites:			
10 Southern States	9,339	19,611,562	4.8
35 remaining States and District of Columbia	35,369	84,718,040	4.2

¹ Based on report prepared by U. S. Bureau of the Census.

² Population figures based on 1930 census.

³ Arkansas, Florida, Kentucky, Louisiana, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia.

Mr. ELLENDER. Mr. President, as I stated yesterday, I shall cite crime figures to show the contrast between cities throughout the country, and to make a comparison between some cities of the North and some cities of the South. I am sorry I could not obtain a complete recapitulation of all crime figures for all the larger southern cities and all the larger northern cities, but I think I have sufficient crime figures to demonstrate that the same discrepancy that exists between the number of colored persons incarcerated in prisons in the South in contrast with the number of colored persons incarcerated in prisons in the North prevails, but that in fact the difference is greater in favor of the South. The figures I shall present emphasize to a great extent the fact that the colored people who inhabit the large cities of the North commit many more crimes than those who live in the large cities of the South. That goes to prove that when the colored people of the South go to the northern cities and attempt to rub elbows with the white people of the large cities of the North the result, to say the least, is unfortunate.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield to me?

Mr. ELLENDER. I yield for a question.

Mr. JOHNSTON of South Carolina. I understand the main point the Senator from Louisiana is trying to make now is that segregation is a good thing. Is that true?

Mr. ELLENDER. That is what we practice in the South, and it seems to be responsible for the great difference

in the number of crimes committed by the southern Negro compared with the crimes committed by the Negroes of the North, the Negroes of the North committing a greater number than the Negroes of the South.

Mr. JOHNSTON of South Carolina. I should like to read into the RECORD at this time what Abraham Lincoln had to say on this very question in a speech which he delivered at Springfield, Ill., on June 26, 1857. He said:

There is a natural disgust in the minds of nearly all white people at the idea of an indiscriminate amalgamation of the white and black races. * * * A separation of the races is the only perfect preventive of amalgamation; but as an immediate separation is impossible the next best thing is to keep them apart where they are not already together. If white and black people never get together in Kansas, they will never mix blood in Kansas. This is at least one self-evident truth. A few free colored persons may get into the free States, in any event; but their number is too insignificant to amount to much in the way of mixing blood. * * *

Such separation, if it ever be effected at all, must be effected by colonization; and no political party, as such, is now doing anything directly for colonization. Party operations at present only favor or retard colonization incidentally. The enterprise is a difficult one, but where there is a will there is a way, and what colonization needs most is a hearty will. Will springs from the two elements of moral sense and self-interest. Let us be brought to believe it is morally right, and at the same time favorable to, or at least not against, our interest to transfer the African to his native clime, and we shall find a way to do it, however great the task may be. The children of Israel, to such numbers as to include 400,000 fighting men, went out of Egyptian bondage in a body.

That Mr. President, was Abraham Lincoln speaking. That is what he said in 1857; so it seemed that Lincoln thought the Negroes should be segregated as much as possible.

Mr. ELLENDER. During the course of my remarks I had expected to refer not only to the quotation the Senator read from Abraham Lincoln, but a number of other quotations from some of his speeches respecting what he thought about the colored people. I am glad, however, that the distinguished Senator has read during the course of my remarks the quotation from Mr. Lincoln's speech.

Mr. President, before I was interrupted I was about to give to the Senate comparative figures of the number of arrests in the city of New Orleans and in the city of Washington for the year 1935 and also for the years 1936 and 1937. The 1930 census showed the total population of Washington, D. C., to be 486,869, and that of New Orleans 458,762. The difference in population between the two cities was a little more than 25,000; and, strange as it may seem, the difference between the number of colored people in the city of New Orleans and in the city of Washington was only 1 percent. Twenty-eight percent of the total population of New Orleans was colored and 27 percent of the total population of Washington was colored.

I have obtained from the United States Bureau of the Census the population figures of the two cities, and I have obtained from the chiefs of police of Washington

and New Orleans the crime figures of the two cities.

In 1935 the figures for murder in New Orleans were, whites 22, colored, 26. The figures for murder in Washington in 1935 were whites 19, colored 53.

In the same year in New Orleans the figures for manslaughter were 27 whites and 10 colored. In Washington the figure for manslaughter were 29 whites and 15 colored.

In the same year the figures for rape in New Orleans were whites 7, and colored 11, whereas in Washington the figures for rape were whites 9, and colored 13.

The figures for robbery in New Orleans were 52 whites and 29 colored; whereas in Washington they were 163 whites and 359 colored.

The figures for aggravated assault, New Orleans, whites 107, colored 111; in Washington, whites 105; colored 313.

The figures for burglary in New Orleans were whites 119, colored 131; whereas in Washington the figures were whites 301, colored 916.

The figures for larceny in New Orleans, whites 427, colored 399; whereas in Washington the figures were whites 209 and colored 330.

The figures for auto thefts in New Orleans were 31 whites, 18 colored; whereas in Washington the figures were 146 whites and only 5 colored.

I now give the total figures of crimes committed in the two cities.

In the city of New Orleans, with a population of 458,000, 28 percent of which are colored, the total for the whites was 792, in contrast with 135 for the colored. In Washington, with only 25,000 more people, and 1 percent less colored people than New Orleans, the total for whites was 981, and for colored 2,004.

Mr. President, those figures are significant. They show that in the city of New Orleans in the year 1935 for every white man who committed one of the crimes which I have enumerated, approximately one colored person committed the same crime. But in Washington, D. C., the proportion is 981 to 2,004. Comparing Washington with New Orleans, the colored people of New Orleans committed 735 of such crimes, in contrast with 2,004 committed by the colored people in Washington. The ratio is almost 3 to 1, as between the colored people of Washington and the colored people of New Orleans, whereas comparing the number of whites in Washington who committed such crimes with the number of colored people in Washington who committed the same crimes, the ratio is almost 3½ to 1.

For the year 1936, the figures show that the two cities had approximately the same population, and the same percentage of colored people. The percentage for Washington was 27, while that for New Orleans was 28. The total number of crimes of the character described committed by the whites in New Orleans in 1936 was 753, as against 718 for the colored people. In Washington the total for the same crimes was 777 for the whites, in contrast to 2,810 for the colored people.

As I have stated, the percentage of Negro population in both cities is almost

the same. There is only 1 percent difference. In New Orleans there is 1 percent more colored population than in Washington, and yet in New Orleans the number of colored people arrested for the crimes which I have mentioned totaled 718, in contrast with 2,810 in Washington.

Data from police records of cities of Washington, D. C., and New Orleans, La., showing arrests for certain crimes, as between whites and Negroes, years 1935 and 1936

	1935			1936		
	Whites	Colored	Total	Whites	Colored	Total
City of New Orleans:						
Murders.....	22	26	48	23	24	47
Manslaughter.....	27	10	37	14	5	19
Rape.....	7	11	18	9	11	20
Robbery.....	52	29	81	57	40	97
Aggravated assault.....	107	111	218	108	122	230
Burglary.....	119	131	250	142	165	307
Larceny.....	427	399	826	375	339	714
Automobile theft.....	31	18	49	25	12	37
Total.....	792	735	1,527	753	718	1,471
	about even			about even		
City of Washington:						
Murders.....	19	53	72	17	42	59
Manslaughter.....	29	15	44	6	6	12
Rape.....	9	13	22	5	9	14
Robbery.....	163	359	522	212	644	856
Assault.....	105	313	418	78	296	374
Housebreaking (burglary).....	301	916	1,217	297	1,465	1,762
Larceny.....	209	330	539	149	348	497
Automobile theft.....	146	5	151	13		13
Total.....	981	2,004	2,985	777	2,810	3,587
	over 2 to 1			almost 4 to 1		

Population, Washington, D. C., and New Orleans, La.

[Figures furnished by Dr. Truesdell, Chief of Census Bureau, taken from 1930 census]

	Washington	New Orleans
Total population.....	486,869	458,762
Negro population.....	132,068	129,632
Percentage of Negro population to total.....	27	28

Arrests, city of New Orleans, 1937

	Whites	Negroes	Total
Murder.....	20	31	61
Manslaughter.....	15	2	17
Rape.....	19	20	39
Robbery.....	28	34	62
Aggravated assault.....	66	97	163
Burglary.....	112	139	251
Larceny (includes petty larceny).....	262	409	771
Automobile theft.....	31	9	40
Total.....	663	741	1,404
Rate per 10,000 population.....	20	57	

Population.....	
Whites (72 percent).....	327,729
Negroes (28 percent).....	129,632
Total.....	457,361

Crime figures furnished by Superintendent of Police, New Orleans.
Population figures from 1930 census (U. S. Bureau of the Census).

Arrests, city of Washington, 1937

	Whites	Negroes	Total
Murder.....	17	55	72
Manslaughter.....	5	2	7
Rape.....	6	27	33
Robbery.....	217	472	689
Aggravated assault.....	68	284	352
Burglary.....	283	991	1,274
Grand larceny.....	267	323	590
Automobile theft.....	1	2	3
Total.....	864	2,156	3,020
Rate per 10,000 population.....	24	163	

Mr. President, I ask that the entire table, together with the tables from which I am about to read, be placed in the RECORD at this point as a part of my remarks.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

Population:	
Whites (73 percent).....	354,801
Negroes (27 percent).....	132,068
Total.....	486,869

Crime figures taken from 1937 Report of the Major and Superintendent of the Metropolitan Police, District of Columbia.
Population figures from 1930 census (U. S. Bureau of the Census)

Arrests, city of Washington, 1938

	Whites	Negroes	Total
Murder.....	7	55	62
Manslaughter.....	5	2	7
Rape.....	2	25	27
Robbery.....	209	577	786
Burglary.....	234	715	949
Grand larceny.....	177	244	421
Automobile theft.....	2	1	3
Total.....	636	1,619	2,245
Rate per 10,000 population.....	18	123	

Population (1930):	
Whites (72.7 percent).....	353,914
Negroes (27.1 percent).....	132,068
Total.....	485,982

Crime figures taken from 1938 Report of the Major and Superintendent of the Metropolitan Police, District of Columbia.
Population figures from 1930 census (U. S. Bureau of the Census).

Arrests, city of Washington, 1939

	Whites	Negroes	Total
Murder.....	13	46	59
Manslaughter.....	1	5	6
Rape.....	3	15	18
Robbery.....	240	324	564
Burglary.....	468	715	1,183
Grand larceny.....	135	203	338
Automobile theft.....	5	5	10
Total.....	865	1,313	2,178
Rate per 10,000 population.....	24	99	

Population (1930):	
Whites (72.7 percent).....	353,914
Negroes (27.1 percent).....	132,068
Total.....	485,982

Crime figures taken from 1939 Report of the Major and Superintendent of the Metropolitan Police, District of Columbia.
Population figures from 1930 census (U. S. Bureau of the Census).

Mr. ELLENDER. Let me take the figures for 1937, in the same two cities, New Orleans and Washington, to make the contrast. In the city of New Orleans, with the population and the percentage of colored people which I have just indicated, the number of whites who committed these crimes—that is, murder, manslaughter, rape, robbery, assault, burglary, larceny, and auto theft—was 663, as compared with 741 for the Negroes. In the city of Washington, for the same year, the number of whites who committed these crimes or were arrested for them was 864, as compared with 2,156 for the colored people.

In the city of Washington the rate per 10,000 population among the whites was 24, and among the colored 163. Statistically speaking, every time a white person committed one of the crimes which I have enumerated, 6.8 colored people committed one of the same crimes.

In the city of New Orleans, for the same year, for every 10,000 population, 20 whites committed one of these crimes, in contrast with 57 Negroes. Every time a white person committed one of these crimes in the city of New Orleans, 2.8 colored people committed the same crimes.

All this goes to show that we in the South believe we know how to handle the colored people. We do not permit them, if we can help it, to associate with the whites on a social basis, as they attempt to do in the city of Washington and in other cities of our country. As I indicated yesterday, we of the South do not coddle the colored people by proposing legislation of which we do not expect them to take advantage. We do not enact legislation in the hope that the privileges granted to them will not be exercised by them. However, in the North the story is different. As I shall demonstrate, 18 States have enacted statutes giving to the colored people the right to eat in the same restaurants with white people, to be buried in the same cemeteries with white people, and to swim in the same swimming pools with the whites. When the poor devils try to exercise those rights they get into trouble. To my way of thinking that is what causes a great many of the crimes which lead to the figures which I have just read. That is why there is so much crime among the colored people of the North—much more crime than there is in the South among the colored race.

For the benefit of the Senate I propose to discuss further figures for the city of Washington and other large cities, in order to demonstrate that the difference in the commission of crimes which I have been trying to point out, as between the white people and the colored people in New Orleans and Washington, prevails in other large cities to about the same extent as I have indicated. I shall now proceed with further figures on the subject in order to prove my point. I shall continue to give figures for the city of Washington. These figures are based on the crimes which I have previously enumerated, that is, murder, manslaughter, rape, robbery, burglary, grand larceny, and auto theft.

In 1938, with a white population in the city of Washington of 353,914, or 72.7

percent of the entire population, and a colored population of 132,068, or 27.1 percent of the entire population, according to the 1930 Census, this is what the figures show:

For murder, 7 whites as against 55 colored; manslaughter, 5 whites as against 2 colored; rape, 2 whites as against 25 colored; robbery, 209 whites as against 577 colored; burglary, 234 whites as against 715 colored; grand larceny, 177 whites as against 244 colored; auto theft, 2 whites as against 1 colored. The total figures show that 636 white people committed the crimes which I have just indicated, as against 1,619 colored people. The number of whites who committed these crimes per 10,000 amounted to 18; and the number for the colored people was 123. In other words, for each white person in the city of Washington who committed these crimes in 1938, 6.8 colored people committed the same crimes. Do not forget, Mr. President, that the percentage of colored people in the city of Washington is approximately 27 percent, as contrasted with slightly more than 72 percent of whites.

I now proceed to the year 1939. For murder, 13 whites and 46 colored; manslaughter, 1 white and 5 colored; rape, 3 whites and 15 colored; robbery, 240 whites and 324 colored; burglary, 468 whites and 715 colored; grand larceny, 135 whites and 203 colored; auto theft, 5 whites and 5 colored. The totals are 865 whites and 1,313 colored. The rate per 10,000 population was 24 for whites and 99 for colored. To put it in another way, in 1939 every time a white person in Washington committed one of these crimes 4.1 colored persons committed one of the same crimes. I wish to reemphasize that the percentage of colored population was approximately 27 percent, as compared with approximately 72 percent white.

For 1940, in the city of Washington: Murder, 7 whites and 44 Negroes; manslaughter, 3 whites and 5 Negroes; rape, 8 whites and 11 Negroes; robbery, 125 whites and 426 Negroes; burglary, whites, 446; Negroes, 925; grand larceny, whites, 144; Negroes, 270; auto theft, whites, 4; Negroes, 1. Total: whites, 737; colored, 1,682. Rate per 10,000: Whites 21, colored, 208.

In other words, Mr. President, in the great city of Washington, where today there is a persistent clamor for voting, for electing their own officials, I wonder what would happen if the people of Washington could vote and if the colored population of Washington continued to increase so that the colored and white population would be about on a 50-50 basis. I wonder what would happen then in the great city of Washington.

As I have just indicated, for 1940 the rate per thousand was 21 for whites, and 208 for colored. In other words, every time one white man committed one of these crimes in the city of Washington 9.9 colored men committed similar crimes—a proportion of almost 1 to 10. Yet some Senators are trying to impose laws of the kind of the FEPC in the hope that they can show us how to handle the colored problem in the South.

Mr. President, I ask unanimous consent to have the table from which I have just read printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Arrests, city of Washington, 1940

	Whites	Negroes	Total
Murder.....	7	44	51
Manslaughter.....	3	5	8
Rape.....	8	11	19
Robbery.....	125	426	551
Burglary.....	446	925	1,371
Grand larceny.....	144	270	414
Automobile theft.....	4	1	5
Total.....	737	1,682	2,419
Rate per 10,000 population.....	21	208	-----

Population (1930):
Whites (72.7 percent)..... 353,914
Negroes (27.1 percent)..... 132,068

Total..... 485,982
Crime figures taken from 1940 Report of the Major and Superintendent of the Metropolitan Police, District of Columbia.
Population figures from 1930 Census (U. S. Bureau of the Census).

Mr. ELLENDER. Mr. President, I now wish to cite the figures for the city of Washington in 1941:

Murder, whites 12; Negroes 41; manslaughter, whites 14; Negroes 7; rape, whites 5; Negroes 24; robbery, whites 303; Negroes 519; burglary, whites 504; Negroes 1,133; grand larceny, whites 148; Negroes 261; auto theft, whites 4; Negroes 3. Total, whites 990; Negroes 1,988. Rate per thousand of population: Whites 21; colored 116—or, to put it in another way—every time 1 white man committed any one of those crimes in the city of Washington, D. C., 5.5 colored men committed similar crimes.

Mr. President, I ask unanimous consent to have the table from which I have just read printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Arrests, city of Washington, 1941

	Whites	Negroes	Total
Murder.....	12	41	53
Manslaughter.....	14	7	21
Rape.....	5	24	29
Robbery.....	303	519	822
Burglary.....	504	1,133	1,637
Grand larceny.....	148	261	409
Auto theft.....	4	3	7
Total.....	990	1,988	2,978
Rate per 10,000 population.....	21	116	-----

Population (1940):
Whites (72.8 percent)..... 474,326
Negroes (28.2 percent)..... 187,266

Total..... 661,592
Figures furnished by the office of the Major and Superintendent of the Metropolitan Police, District of Columbia.
Population figures from 1940 Census (U. S. Bureau of the Census).

Mr. ELLENDER. Mr. President, I wish to say that for 1941 the percentage of whites to Negroes increased slightly in the District of Columbia. The whites numbered 474,326, under the 1940 census, or 72.8 percent of the total population of the city, whereas the colored numbered 187,266, or 28.2 percent of the

total population, instead of the 27 percent which I indicated a while ago for the 1930 Census.

In 1942 the arrests in the city of Washington were as follows: Murder, whites 10, Negroes 55; manslaughter, whites 14, Negroes 4; rape, whites 8, Negroes 29; robbery, whites 165; Negroes 452; burglary, whites 571, Negroes 920; grand larceny, whites 186, Negroes 233; auto theft, whites 5, Negroes 4. Total: Whites 959, Negroes 1,697.

Rate per 10,000: Whites 20, Negroes 90—or, put in another way, for every white man who committed one of those crimes, there were 4.5 colored who committed one. The year 1942 was the only one among all the years since 1935 for which I have submitted data, in which the proportion as between colored and whites arrested for crimes was as low as 4 to 1. In all the other years it was either 5 to 1 or higher—up to the ratio I indicated a moment ago of 9.9.

Mr. President, I ask unanimous consent to have the table from which I have just read printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Arrests, city of Washington, 1942

	Whites	Negroes	Total
Murder.....	10	55	65
Manslaughter.....	14	4	18
Rape.....	8	29	27
Robbery.....	165	452	617
Burglary.....	571	920	1,491
Grand larceny.....	186	233	419
Auto theft.....	5	4	9
Total.....	959	1,697	2,646
Rate per 10,000 population.....	20	90	-----

Population (1940):
Whites (72.8 percent)..... 474,326
Negroes (28.2 percent)..... 187,266

Total..... 661,592
Crime figures furnished by the office of the Major and Superintendent of the Metropolitan Police, District of Columbia.
Population figures from 1940 Census (U. S. Bureau of the Census).

Mr. ELLENDER. Mr. President, in 1943, the arrests in the city of Washington were as follows:

Murder, whites 16; Negroes 55; manslaughter, whites 4; Negroes 1; rape, whites 3; Negroes 8; robbery, whites 136; Negroes 503; burglary, whites 414; Negroes 1,303; grand larceny, whites 259; Negroes 361; auto theft, whites 2; Negroes, 2. Total: Whites 834; Negroes 2,233.

Rate per 10,000 population: Whites 17; Negroes 119—or, put in another way, for every white man who committed one of those crimes in the city of Washington, 7 colored people did; and Mr. President, please bear in mind that, as I indicated a moment ago, in that year 72 percent of the population of Washington was white and 28 percent was colored.

Mr. President, I ask unanimous consent to have the table from which I have just read printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Arrests, city of Washington, 1943

	Whites	Negroes	Total
Murder.....	16	55	71
Manslaughter.....	4	1	5
Rape.....	3	8	11
Robbery.....	136	503	639
Burglary.....	414	1,303	1,717
Grand larceny.....	259	361	620
Auto theft.....	2	2	4
Total.....	834	2,233	3,067
Rate per 10,000 population.....	17	119	

Population (1940):
Whites (72.8 percent)..... 474,326
Negroes (28.2 percent)..... 187,266

Total..... 661,592

Figures furnished by the office of the Major and Superintendent of the Metropolitan Police, District of Columbia.

Population figures from 1940 Census (U. S. Bureau of the Census).

Mr. ELLENDER. Mr. President, for the year 1944, in the city of Washington, our great capital, we find the following figures:

Murder, whites 9; Negroes 46; manslaughter, whites 9; Negroes 3; rape, whites 6; Negroes 15; robbery, whites 171; Negroes 480; burglary, whites 601; Negroes 1,062; grand larceny, whites 173; Negroes 328; auto theft, whites 12; Negroes 0. Total: Whites 981; Negroes 1,934.

Rate per 10,000: Whites 20; Negroes 103—or, for every white man who committed one of those crimes, there were 5.1 colored men who did.

Mr. President, I ask unanimous consent to have the table from which I have just read printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Arrests, city of Washington, 1944

	Whites	Negroes	Total
Murder.....	9	46	55
Manslaughter.....	9	3	12
Rape.....	6	15	21
Robbery.....	171	480	651
Burglary.....	601	1,062	1,663
Grand larceny.....	173	328	501
Automobile theft.....	12	0	12
Total.....	981	1,934	2,915
Rate per 10,000 population.....	20	103	

Population (1940):
Whites (72.8 percent)..... 474,326
Negroes (28.2 percent)..... 187,266

Figures furnished by the office of the Major and Superintendent of the Metropolitan Police, District of Columbia.

Population figures from 1940 Census (U. S. Bureau of the Census).

Mr. ELLENDER. Mr. President, for last year, 1945, the figures are as follows: Murder, whites 6, Negroes 54; manslaughter, whites 3, Negroes 8; rape, whites 5, Negroes 19; robbery, whites 141, Negroes 400; burglary, whites 605, Negroes 1,034; grand larceny, whites 214, Negroes 421; auto theft, whites 14, Negroes 0. Total: Whites 988, Negroes 1,936.

Rate per 10,000 of population: Whites 21, colored 104—or in the proportion of 5.2 Negroes to every white man who committed one of those crimes in the city of Washington, where the population was divided as between whites and

Negroes according to the percentages which I have previously indicated.

Mr. President, I ask unanimous consent to have the table from which I have just read printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Arrests, city of Washington, 1945

	Whites	Negroes	Total
Murder.....	6	54	60
Manslaughter.....	3	8	11
Rape.....	5	19	24
Robbery.....	141	400	541
Burglary.....	605	1,034	1,639
Grand larceny.....	214	421	635
Automobile theft.....	14	0	14
Total.....	988	1,936	2,924
Rate per 10,000 population.....	21	104	

Population (1940):
Whites (72.8 percent)..... 474,326
Negroes (28.2 percent)..... 187,266

Figures furnished by the office of the Major and Superintendent of the Metropolitan Police, District of Columbia.

Population figures from 1940 Census (U. S. Bureau of the Census).

Source: W. H. Gilbert, General Research Section, Jan. 30, 1946.

Mr. ELLENDER. Mr. President, that completes the figures for our great Capital City. I wish to say that I have before me, and I expect to go through them, figures for many other cities. The figures for the cities of the North show about the same percentages as those I have just indicated for our great Capital City of Washington. In a few instances the ratio as between whites and colored is slightly higher.

I shall point out a little later the situation in the South. For the years for which I have been able to obtain comparable figures in order to show the differential, I find that in the city of Houston, Tex., for instance, the situation which prevailed there was about the same as that prevailing in the city of New Orleans.

There is only one southern city in which the percentage is not so great as it is in northern cities. I refer to the city of Charleston, S. C. The only reason which I have been able to assign for that situation is that the population as between the whites and the colored in that city is almost equal. If I am incorrect in my statement, I hope that my distinguished colleague who is now occupying the chair, the Senator from South Carolina [Mr. JOHNSTON] will tell me at the proper time.

In the city of Charleston, as I have said, the population as between the whites and the blacks is almost equal. The percentage of whites is 52 or 53. The remainder of the population is colored. When the colored people in the South are permitted to congregate in large numbers in one place, such as in a large city, they usually get into more mischief than when they are scattered about. I can say that such a condition prevails in several of the southern cities with which I am familiar. At the proper time—it may not be today, but some day next week—I expect to set forth figures pertaining to the city of Charleston. If

I have not stated the situation correctly I hope that my distinguished colleague from South Carolina will be thinking about the matter in the meantime and give us the benefit of his views on the subject.

Mr. President. I have put into the RECORD figures pertaining to our great Capital of Washington. I now proceed to St. Louis, Mo. The figures which I am about to submit cover the period of April, 1935, to March, 1936, or almost a year. The figures with reference to the whites and the blacks in the city of St. Louis, according to the 1930 Census, are as follows: Whites, 726,879; colored, 93,580. Eighty-eight percent plus represents the white population, and 11 percent plus represents the colored population.

I hope that the few Senators who are now present in the Chamber—I can almost count them on the fingers of one hand—will bear the percentages in mind when I read the number of whites and colored who committed various crimes.

The crimes which I have selected are, as will be noted, some of the most heinous that have ever been recorded in criminology. As I indicated in connection with previous tables which I placed in the RECORD, when considering all crimes it will be found that the proportion is greater in so far as northern colored persons are concerned than in respect to colored persons of the South. In the tables, not only has crime in the large cities been taken into consideration, but all crimes resulting in incarceration in Federal and State prisons and in reformatories. The figures which I shall read are in respect to large cities in the South where the Negroes represent a greater proportion of the total population than they do in some of the Northern cities. Having in mind the difference between the percentages with respect to the colored population and the white population of St. Louis. I repeat that the ratio is: Whites, 88 percent; colored, 11.

I read from the table as follows:

Murder, whites 21; Negroes 57.

I ask Senators to bear those figures in mind: Whites 21; Negroes 57. The population, as I have stated, is 11 percent colored as against 88 percent white.

Manslaughter, whites 124; Negroes 16; rape, whites 52; Negroes 57; robbery, whites 227; Negroes 163; burglary, whites 385; Negroes 496; aggravated assault, whites 182; Negroes 225; larceny, whites 1,315; Negroes 1,466; auto theft, whites 173; Negroes 89.

Total, whites 2,479; Negroes 2,609.

Rate per 10,000 population, whites 34; Negroes 267.

In other words, for every white man who committed one of the crimes to which I have referred in the city of St. Louis, 7.8 Negroes committed similar crimes.

Mr. President, I ask unanimous consent to have the table from which I have just read printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

*Arrests, city of St. Louis, April 1935 to
March 1936*

	Whites	Negroes	Total
Murder.....	21	57	78
Manslaughter.....	124	16	140
Rape.....	52	97	149
Robbery.....	227	163	390
Burglary.....	385	496	881
Aggravated assault.....	182	225	407
Larceny.....	1,315	1,466	2,781
Auto theft.....	173	89	262
Total.....	2,479	2,609	5,088
Rate per 10,000 population.....	34	267	

Population:			
White (88 percent).....			726,879
Colored (11 percent).....			93,580
Total.....			820,459
Other.....			1,501
Total.....			821,960

Crime figures taken from annual report of Police Commissioners of St. Louis, Mo., dated Mar. 31, 1936.
Population figures taken from 1930 Census (U. S. Bureau of the Census).

Mr. ELLENDER. Here are more figures with reference to the city of St. Louis, covering the period from April 1, 1936, to March 31, 1937:

Murder, whites 28, Negroes 40; manslaughter, whites 121, Negroes 24; rape, whites 74, Negroes 97; robbery, whites 163, Negroes 156; aggravated assault, whites 178, Negroes 276; burglary, whites 380, Negroes 548; larceny, whites 1,330, Negroes 1,432; auto theft, whites 139, Negroes 65. Total: Whites 2,413; Negroes 2,638. Rate per 10,000 population: Whites 33, Negroes 282.

Or, Mr. President, to put it in another way, for every white man who committed one of these crimes in the city of St. Louis, 8.5 colored men committed similar crimes.

Mr. President, I ask unanimous consent to have the table from which I have just read printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

*Arrests, city of St. Louis, April 1, 1936, to
March 31, 1937*

	Whites	Negroes	Total
Murder.....	28	40	68
Manslaughter.....	121	24	145
Rape.....	74	97	171
Robbery.....	163	156	319
Aggravated assault.....	178	276	454
Burglary.....	380	548	928
Larceny.....	1,330	1,432	2,762
Auto theft.....	139	65	204
Total.....	2,413	2,638	5,051
Rate per 10,000 population.....	33	282	

Population:			
White (88 percent).....			726,879
Colored (11 percent).....			93,580
Total.....			820,459
Other.....			1,501
Total.....			821,960

Crime figures taken from annual report of police commissioners of St. Louis, Mo., dated Mar. 31, 1937.
Population figures taken from 1930 Census (U. S. Bureau of the Census).

Mr. ELLENDER. I continue with figures pertaining to the city of St. Louis, and I now take the year 1939. I ask Senators to bear in mind the ratio of population in that city, namely, 88 whites to 11 Negroes.

Murder, whites 28; Negroes 33; manslaughter, whites 96; Negroes 27; rape,

whites 68; Negroes 93; robbery, whites 141; Negroes 114; burglary, whites 468; Negroes 480; aggravated assault, whites 133; Negroes 258; larceny, whites, 1,173; Negroes 1,186; auto theft, whites, 138; Negroes 66.

Total: Whites, 2,245; Negroes, 2,257.
Rate per 10,000 population: Whites, 31; Negroes, 243.

In other words, Mr. President, the figures show that 11 percent of the total population, consisting of Negroes, committed a greater number of crimes than did 88 percent of the population which consisted of whites. Every time one white man committed one of these crimes, 7.8 colored men committed similar crimes.

Mr. President, I ask unanimous consent to have the table from which I have just read printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Arrests, city of St. Louis, 1939

	Whites	Negroes	Total
Murder.....	28	33	61
Manslaughter.....	96	27	123
Rape.....	68	93	161
Robbery.....	141	114	255
Burglary.....	468	480	948
Aggravated assault.....	133	258	391
Larceny.....	1,173	1,186	2,359
Automobile theft.....	138	66	204
Total.....	2,245	2,257	4,502
Rate per 10,000 population.....	31	243	

Population:			
White (88 percent).....			726,879
Colored (11 percent).....			93,580
Total.....			820,459
Other.....			1,501
Total.....			821,960

Crime figures taken from annual report of police commissioners of St. Louis, Mo., dated Mar. 31, 1939.
Population figures taken from 1930 Census (U. S. Bureau of the Census).

Mr. ELLENDER. Mr. President, I continue with figures in reference to the city of St. Louis for the year 1940. In that year the percentage of population as between the colored and white had changed. The white population constituted 86.6 percent of the total population in contrast to 13.3 percent of colored.

As will be noted, the colored population in the past 10 years in the city of St. Louis, that is, from 1930 to 1940, increased about 2.3 percent, but as will be noted from the figures which I shall read, the number of colored people, in contrast with the whites, who committed these crimes, changed very little. The lowest for any 1 year the records show is for the year 1943, when the contrast was, whites 1, compared to 5.5 for the colored. I read from the 1940 figures: Murder, whites 16; Negroes 41; manslaughter, whites 94; Negroes 21; rape, whites 74; Negroes 103; robbery, whites 164; Negroes 146; burglary, whites 405; Negroes 473; assault, whites 147; Negroes 262; larceny, whites 1,164; Negroes 1,163; auto theft, whites 126; Negroes 148. Total: Whites 2,190; Negroes 2,262. Rate per 10,000: Whites 31; Negroes 209. The ratio was 1 white to 6.7 Negroes.

Mr. President, I ask unanimous consent that the table from which I have just read be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Arrests, city of St. Louis, 1940

	Whites	Negroes	Total
Murder.....	16	41	57
Manslaughter.....	94	21	115
Rape.....	74	103	177
Robbery.....	164	146	310
Burglary.....	405	473	878
Aggravated assault.....	147	262	409
Larceny.....	1,164	1,168	2,332
Automobile theft.....	126	48	174
Total.....	2,190	2,262	4,452
Rate per 10,000 population.....	31	209	

Population:			
White (86.6 percent).....			706,794
Colored (13.3 percent).....			108,765
Total.....			815,559
Other.....			489
Total.....			816,048

Crime figures taken from annual report of police commissioners of St. Louis, Mo., dated Mar. 31, 1940.
Population figures taken from 1940 Census (U. S. Bureau of the Census).

Mr. ELLENDER. I continue with the city of St. Louis for the year 1942. Murder, whites, 20; Negroes, 30; manslaughter, whites, 91; Negroes, 19; rape, whites, 56; Negroes, 78; robbery, whites, 101; Negroes, 62; burglary, whites, 339; Negroes, 272; aggravated assault, whites, 180; Negroes, 249.

Mr. President, I am glad the Senator from Colorado [Mr. JOHNSON] has returned to the Chamber. What I am trying to do is to give to the Senate a statement of crimes committed in the various cities of the Nation. I have already stated the figures for the city of St. Louis. The Senator from New Mexico [Mr. HATCH] has also returned to the Chamber, and I am glad he is present, and that I can state to him what I am attempting to do.

I am endeavoring to show to this august body that we in the South seem to be better able to take care of the Negro population than are our friends in the North. One of the ways by which I am attempting to show that, as I have just indicated for the city of St. Louis, is to present the figures as to crimes committed for both the whites and the colored people. St. Louis had a population of 11 percent colored and the remainder white. There were more crimes committed—that is, murder, manslaughter, rape, robbery, burglary, aggravated assault, larceny, and auto theft—among the colored people, with only 11 percent of the entire population, than among all the white people that accounted for 89 percent of the population. I am proceeding to show that the same condition existed in almost every year prior to the 1940 Census.

The last figure I read for the year 1942 was for aggravated assault.

Larceny, whites, 969; Negroes, 1,058; auto theft, whites, 153; Negroes, 68.

Total, whites, 1,909; Negroes, 1,836.

The rate per 10,000 population was, whites, 27; Negroes, 170.

To put it another way, every time one of these crimes was committed by a white man in the city of St. Louis during 1942 6.3 were committed by colored people.

Mr. President, I ask unanimous consent that the table be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Arrests, city of St. Louis, 1942

	Whites	Negroes	Total
Murder.....	20	30	50
Manslaughter.....	91	19	110
Rape.....	56	78	134
Robbery.....	101	62	163
Burglary.....	339	272	611
Aggravated assault.....	180	249	429
Larceny.....	969	1,058	2,027
Auto theft.....	153	68	221
Total.....	1,909	1,836	3,745
Rate per 10,000 population.....	27	170	

Population:	
Whites (86.6 percent).....	706,794
Colored (13.3 percent).....	108,765
Total.....	815,559
Other.....	489
Total.....	816,048

Crime figures taken from annual report of police commissioner of St. Louis, Mo., dated Mar. 31, 1942.
Population figures taken from the 1940 Census (U. S. Bureau of the Census).

Mr. ELLENDER. Mr. President, now I continue with the city of St. Louis, for the year 1943. As I indicated a while ago, for this year the contrast as between whites and colored is the smallest of any of the years for which I have the figures from 1935 to 1945.

Murder, whites, 25; colored, 33; manslaughter, whites, 91; colored, 22; rape, whites, 78; Negroes, 79; robbery, whites, 68; Negroes, 50; burglary, whites, 425; Negroes, 254; aggravated assault, whites, 190; Negroes, 263; larceny, whites, 1,018; Negroes, 910; auto theft, whites, 123; Negroes, 53. Total: Whites, 2,018; Negroes, 1,664.

Rate per 10,000 population, whites, 28; Negroes, 154.

For every white man, 5.5 colored men were arrested for one of the crimes I have mentioned. The population ratio is the same.

Mr. President, I ask unanimous consent that the table be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Arrests, city of St. Louis, 1943

	Whites	Negroes	Total
Murder.....	25	33	58
Manslaughter.....	91	22	113
Rape.....	78	79	157
Robbery.....	68	50	118
Burglary.....	425	254	679
Aggravated assault.....	190	263	453
Larceny.....	1,018	910	1,928
Auto theft.....	123	53	176
Total.....	2,018	1,664	3,682
Rate per 10,000 population.....	28	154	

Population:	
Whites (86.6 percent).....	706,794
Colored (13.3 percent).....	108,765
Total.....	815,559
Other.....	489
Total.....	816,048

Crime figures taken from annual report of police commissioner of St. Louis, Mo., dated Mar. 31, 1943.
Population figures taken from the 1940 Census (U. S. Bureau of the Census).

Mr. ELLENDER. Mr. President, I continue with the city of St. Louis, for 1944.

Murder, whites, 24; Negroes, 28; manslaughter, whites, 63; Negroes, 10; rape, whites, 71; Negroes, 59; robbery, whites, 109; Negroes, 109; burglary, whites, 430; Negroes, 450; aggravated assault, whites, 145; Negroes, 222; larceny, whites, 777; Negroes, 923; auto theft, whites, 198; Negroes, 106.

Total: Whites, 1,817; Negroes, 1,907.
Rate per 10,000: Whites, 26; Negroes, 177.

In other words, every time one white man committed one of these crimes or was arrested for one of these crimes in the city of St. Louis in 1944, 6.8 colored persons were arrested for a similar offense.

Mr. President, I ask unanimous consent that the table be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Arrests, city of St. Louis, 1944

	Whites	Negroes	Total
Murder.....	24	28	52
Manslaughter.....	63	10	73
Rape.....	71	59	130
Robbery.....	109	109	218
Burglary.....	430	450	880
Aggravated assault.....	145	222	367
Larceny.....	777	923	1,700
Automobile theft.....	198	106	304
Total.....	1,817	1,907	3,724
Rate per 10,000 population.....	26	177	

Population:	
Whites (86.6 percent).....	706,794
Colored (13.3 percent).....	108,765
Total.....	815,559
Other.....	489
Total.....	816,048

Crime figures taken from annual report of police commissioner of St. Louis, Mo., dated March 31, 1944.
Population figures taken from the 1940 Census (U. S. Bureau of the Census).

Mr. ELLENDER. Mr. President, I now come to the year 1945 for the city of St. Louis: Murder, whites, 25; Negroes, 50; manslaughter, white, 65, Negroes 12; rape, whites, 74, Negroes, 74; robbery, whites, 102, Negroes, 92; burglary, whites, 398, Negroes, 302; aggravated assault, whites, 109, Negroes, 225; larceny, whites, 809, Negroes, 890; auto theft, whites, 304, Negroes, 95.

Total number of whites arrested 1,886; total number of Negroes arrested 1,740. The rate per 10,000 of the population is: whites arrested 27, Negroes arrested 161, showing a ratio between the whites and Negroes of 1 to 6.

Mr. President, I ask that the table be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Arrests, city of St. Louis, 1945

	Whites	Negroes	Total
Murder.....	25	50	75
Manslaughter.....	65	12	77
Rape.....	74	74	148
Robbery.....	102	92	194
Burglary.....	398	302	700
Aggravated assault.....	109	225	334
Larceny.....	809	890	1,699
Auto theft.....	304	95	399
Total.....	1,886	1,740	3,626
Rate per 10,000 population.....	27	161	

Population:	
Whites (86.6 percent).....	706,794
Colored (13.3 percent).....	108,765
Total.....	815,559
Other.....	489

Total..... 816,048
Crime figures taken from annual report of police commissioner of St. Louis, Mo., dated Mar. 31, 1945.
Population figures taken from the 1940 Census (U. S. Bureau of the Census).

Mr. ELLENDER. Mr. President, I now take up the figures for the city of Cincinnati, Ohio. I do not see in the Chamber at the moment either of the distinguished Senators who represent the State in which that great city is located. I am sure the reason they are not present is that they are busy in connection with committee hearings which are being held this afternoon. I know it is most difficult for Senators to attend sessions of the Senate and listen to the important debate which is now proceeding. Of course, it is excusable for Senators to be absent when they have work which is more important to them or to the country outside the Senate Chamber than in it. I have no reason to complain because they are not present.

Mr. President, I should like to call especial attention to the comparisons I have made and shall continue to make between the number of white persons who commit crimes and the number of colored persons who commit crimes. I emphasize that this is one method of demonstrating that we from the South are in a much better position to cope with the Negro problem than the people of the North, if only we are permitted to do so.

I repeat, Mr. President, enactment into law of the pending bill will not cope with the problem. Neither will the many bills which have been introduced in the Senate with a view of appeasing a few miserable groups of politicians here and there all over the Nation who are trying to vie with each other for the colored vote. I wish I could believe that that is not what is in the mind of some of those who are urging the passage of this bill, but I cannot help think it is. I am earnestly pleading with Senators not to make it impossible for us from the South to cope with the Negro problem. The Negroes have been our wards since they were sold as slaves generations ago. I believe if an honest attempt were made to determine who is best qualified to handle this problem it would be found that we of the South are best qualified to handle it. I do not like to think of this great body considering legislation which has back of it the idea of getting the support of the colored voters.

Mr. President, we who represent Southern States are making many sacrifices in our attempt to oppose the pending bill. Many of my colleagues might think it is an easy thing to stand on the floor of the Senate and talk for 4 or 5 or 6 hours every day. I do not mind it, although it takes a considerable amount of my energy to do so. But, as I have said on frequent occasions, in order to preserve the liberties which we have enjoyed since the Constitution was adopted and which have made us a great Nation and brought prosperity to the citizenry of the Republic, I for one am willing, in the effort to prevent the passage of such legislation

as this, to discuss the question so long as God gives me breath.

As I expect to show in the course of my remarks, if we permit bills of this character to pass this body and be passed by the House of Representatives and become law, I have no doubt that the same forces which have demanded this legislation will go a step further and seek to obtain other legislation which will probably be a little more obnoxious, and which will lead to the point where the advocates of strange and foreign doctrines may achieve the goal for which they are now striving.

I repeat what I said on the floor of the Senate back in 1938. If we give the colored people of this Nation political equality it will lead to social equality; and social equality will lead to the degradation of our race. If any Senator has the time to listen to me in the course of this debate I will prove to him that I am right historically. I do not expect to do so this afternoon, because I do not have the time. I have other arguments to deal with for the moment. I shall probably reach that point by Tuesday or Wednesday of next week. I should like to have Senators listen to me, in the hope that I may convert them before it is too late.

Mr. MORSE. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. HOEY in the chair). Does the Senator from Louisiana yield to the Senator from Oregon?

Mr. ELLENDER. I yield.

Mr. MORSE. I am sure the Senator from Louisiana knows that I have listened to him very patiently. I should like to ask him a question.

The Senator made reference to other legislation. Am I correct in inferring that the Senator might feel justified in using the same technique of the filibuster in attempting to defeat minimum wage legislation?

Mr. ELLENDER. No; absolutely not. I would not attempt to do so. Of course, the Senator knows that in the minimum wage legislation as it was originally introduced there were a few obnoxious sections of the bill which I seriously opposed. I refer to that provision of the bill which would give to the Administrator the right to select advisory committees for each industry, with full power to go into each industry and classify every job, from that of floor sweeper up, and fix minimum wages along the lines as Congress is being asked to do. I am sure that the distinguished Senator does not want that. In the full committee some time ago that clause was stricken out.

As I said yesterday, if the minimum wage bill were enacted by the Congress as written and introduced, and then we should place the pending bill, as written, on the statute books, it is my considered judgment that we might as well hang a large black crepe on the door of private enterprise, because there would be one law to tell an employer whom to hire and another law to tell him how much he must pay to each employee.

XCII—67

Mr. MORSE. I am sure the Senator from Louisiana will recall that the Senator from Oregon joined in the vote against the particular provision of the minimum wage bill to which he has alluded.

Mr. ELLENDER. Yes.

Mr. MORSE. But I stress to the Senator from Louisiana that I joined in a vote; and I wish the Senator from Louisiana would make it possible for us to vote on the floor of the Senate on the pending measure.

Mr. ELLENDER. If the Senator is interested in the consideration of other legislation, all that is necessary is to place the pending bill back on the calendar, and we can then consider all the legislation which the Senator desires to consider. It can be done very easily.

Mr. President, I was about to consider figures for the city of Cincinnati. I am glad to see that the distinguished Senator from Ohio [Mr. TAFT] is present.

In 1936, in the city of Cincinnati there was a white population of 403,112, or approximately 89 percent of the total. The colored population was 47,818, representing approximately 11 percent of the entire population. Members of other races numbered 230. The total population was 451,160. I should like to have Senators bear those figures in mind. Of the entire population, approximately 89 percent was white, and 11 percent colored. I shall proceed to show that in 1936, with respect to the crimes of murder, manslaughter, rape, robbery, aggravated assault, burglary, larceny, and auto theft, the Negroes, who constituted 11 percent of the population, committed more of those crimes than did the whites, who constituted approximately 89 percent of the entire population. The figures are as follows:

Murder and manslaughter are combined in this table. I do not know why, but they are combined. For murder and manslaughter, whites, 25; Negroes, 48. For rape, whites, 29; Negroes, 16. For robbery, whites, 79; Negroes, 156. For aggravated assault, 71 whites, and 180 Negroes. For burglary, 241 whites and 294 Negroes. For larceny, 384 whites and 454 Negroes. For auto thefts, 92 Negroes and 83 whites. The total number for whites was 921, as against 1,231 for Negroes.

Bear in mind, as I have stated, that the colored population was approximately 11 percent of the total, as contrasted with approximately 89 percent for the whites, and yet the colored people living there, who constituted 11 percent of the entire population, committed 300 more of these crimes than did the whites.

The rate per 10,000 population for the whites was 23, and for Negroes 258. In other words, for every white person who committed one of those crimes in the city of Cincinnati in 1936, there were 11.2 Negroes. I ask unanimous consent that the table from which I have been reading be printed in the Record at this point as a part of my remarks.

There being no objection, the table was ordered to be printed in the Record, as follows:

Arrests, city of Cincinnati, 1936

	Whites	Negroes	Total
Murder.....	25	48	73
Manslaughter.....	29	16	45
Rape.....	79	156	235
Robbery.....	71	180	251
Aggravated assault.....	241	294	535
Burglary.....	384	454	838
Larceny, theft.....	92	83	175
Automobile theft.....			
Total.....	921	1,231	2,152
Rate per 10,000 population.....	23	258	

Population:	
White (89 percent).....	403,112
Colored (11 percent).....	47,818
Total.....	450,930
Other.....	230
Total.....	451,160

Crime figures taken from Annual Report of Division of Police, Department of Safety, City of Cincinnati, 1936.
Population figures taken from 1936 Census (U. S. Bureau of the Census).

Mr. MEAD. Mr. President, will my distinguished colleague yield?

Mr. ELLENDER. I yield for a question.

Mr. MEAD. I do not wish to argue in defense of the commission of crime by anyone, but I am wondering if my distinguished colleague, who has taken such an enthusiastic interest in good housing, would go along with me to a certain extent in my thought that probably society or the Government may be in some degree responsible for this situation. I think the Senator will agree with me that the education, housing, and economic condition of the Negro have been more or less neglected. If the Negro could have the advantages which people more fortunately situated have had, he, too, would be an improved citizen. We are told by experts that it is difficult to expect that there will be less crime in a blighted area, a slum area, than there is in an area which is up to date and has all the advantages which higher standards provide. I am not finding fault with the figures which my distinguished colleague is citing. I know nothing about them. I suppose he obtained them from some Government agency.

Mr. ELLENDER. All the crime figures I have submitted were obtained from official sources and those for Cincinnati were furnished me from reports of the Division of Police, Department of Safety, of the city of Cincinnati.

Mr. MEAD. Does not the Senator agree with me that there is a responsibility which we may have neglected, in the provision of good housing, better economic conditions, and better educational facilities for the Negroes? While I know that religion has done a noble work wherever opportunity and facilities were available, yet there is also in this field further opportunity, I think, for more work to be done. I believe further that the Government has neglected its obligation, and perhaps we are somewhat responsible.

Mr. ELLENDER. I have no doubt that what the Senator says is correct; but do not forget that in the city of Cincinnati there are as many poor white people as there are poor colored people, if not more. The figures which I am presenting to the Senate are not taken from a selected

class. They represent all the whites. The Lord knows that in the city of Cincinnati—and the same thing holds true of the city of New York—a large proportion of the white population is just as poor and in just as bad condition economically as are the colored people.

The only reason I am citing these figures, as I have stated on this floor on many occasions, is simply to show that the white people in the North do not seem to be able to cope with the colored problem as we in the South do. The Senator was not present a while ago when I was discussing this question. No doubt he was busy before some committee. I am sure that many other Senators who were not present were as busy before committees as was the Senator from New York.

The point is that I compared the figures for the city of New Orleans with those for the city of Washington. The population of the city of Washington is almost the same as that of the city of New Orleans; and the Negro population in Washington is only 1 percent less than the Negro population in New Orleans. Yet, strange as it may seem, in the city of New Orleans, for every white person who committed one of these crimes there were 2.1 Negroes. In the city of Washington the figures are as high as 9.9 Negroes for every white person.

The Senator appreciates the difference I am trying to point out there.

Mr. MEAD. Yes; I understand the difference.

Mr. President, will my distinguished colleague further yield to me?

Mr. ELLENDER. I yield.

Mr. MEAD. There is a serious problem of adjustment to be considered. For instance, if a number of the members of colored population in a rural area of a Southern State were suddenly transported to a large industrial city of the North, probably in some instances they would not be as readily received as other persons would be. In some cases they are the last to be hired and, again, the first to be fired. There is a period of adjustment which leaves them somewhat handicapped.

So it occurs to me that with a good background of education, with fair economic opportunity, with decent living conditions, with good housing—which has much to do—

Mr. ELLENDER. Mr. President, I am prompt to confess that good housing would to a considerable extent relieve the situation. But I doubt whether the proportion to which I have referred would differ, because if housing conditions for the poorer white people were improved, the extent to which such persons would become involved in crime would no doubt decrease almost to the same extent it would decrease in the case of the colored people, if their living conditions or housing were improved.

Mr. MEAD. I recognize in my colleague from Louisiana a staunch advocate of good housing, and his present interest in that subject is reassuring. But we are told by experts who have studied crime that slums are the greatest breeders of crime. Invariably a great many of the southern colored people who find their way to the large industrial cities of

the North live in blighted areas—even in slums.

If that be true, we have the obligation of seeing to it that they live in good, clean, healthful, sanitary homes. We are all aware that many colored people who have a good economic and educational background and who live in good communities are fine, outstanding citizens.

I think we can in large part correct the situation to which reference has been made by assuming the responsibility, which is ours, of giving the colored people the opportunity they have earned and to which they are entitled. So I wish to impress upon my distinguished colleague the necessity of our assuming that responsibility. The colored people are here in the United States, they are citizens of this country. They have fought for our democracy. They have done hard, laborious work, both in the South and in the North. If we give them a good educational background, if we provide the decent housing conditions which this rich country can very well provide, if we see to it that the economic conditions of the colored people are improved, we shall get at the root of the difficulty which the Senator has pointed out this afternoon.

Mr. ELLENDER. Mr. President, I assure my distinguished colleague the Senator from New York that, as a coauthor of the so-called Wagner-Ellender-Taft bill on housing, I shall do all I can to see to it that that housing bill is enacted by the Congress. So far as I personally am concerned, I wish to say further that I am a strong advocate of increasing the opportunities of the colored people. I have done that all my life, in the South. I was a member of the Louisiana Legislature from 1924 until I came to the Senate of the United States, and my record will show that I have done all I could do to help the colored people.

As I said yesterday in the Senate, today we in Louisiana are spending more money for the education of the colored people of our State than was spent in Louisiana for the education of both whites and Negroes back in 1909, the year I entered college.

We have made great progress in the South. All I am asking is that we be allowed to settle our own problems. I do not wish to do anything here which would cause the colored people to be placed on a basis of social equality with the white people, because the moment that were done, the moment such things were permitted, a course would be started which, within 300 or 400 years, would end in our having a mongrel race, such as has developed in Brazil. As I pointed out yesterday during the debate, Brazil is a larger and older country than the United States. But what happened there? When the European settlers went to that great country, they intermarried with the Indians who lived there. Later on, the prosperous Brazilians imported a number of African slaves to help grow the crops. In the course of a few years the colored people who went there from Africa intermarried with the Indians, and some of the white people intermarried with some of the colored people. Today in Brazil there

is a mongrel race. The result is that a country which is richer and larger than ours and older than ours is now as far back, in respect to progress, as it was in 1512.

Mr. MEAD. But, Mr. President, if my colleague will yield to me again, let me say that some of the countries from which the people who settled in Brazil came are not much better off, today, or even as well off, as Brazil itself is.

Mr. ELLENDER. Can the Senator from New York mention any country where that is due to mongrelization? What he says might be due to the fact that some of the poorer countries may have been overpowered by others. But Brazil has never been involved in any wars of any consequence—none sufficient to destroy her. Brazil could have made the same progress we have made, or even better progress than we have made, because, as I have said, Brazil has more resources than we have; Brazil has a finer climate, generally speaking; everything has been to her advantage. Yet she is hundreds of years back of the United States, insofar as progress is concerned. I attribute that condition to the fact that in Brazil there is, today, a mongrel race, just as a mongrel race developed in Egypt centuries ago. At first there was an Aryan race in Egypt. Egyptian history shows that in science, medicine, and the other arts Egypt went very far in olden times. But when the Pharaohs decided to build the Pyramids, the Egyptians imported a number of Ethiopians to help them do the heavy work. What happened? In less than 50 years those colored Ethiopians began to intermingle with the Egyptians, to such an extent that at the end of 50 years the Egyptians passed a law making it a felony punishable by death for any more Ethiopians to come within the borders of Egypt. But it was too late. Mongrelization had already started. In less than 400 years the situation had deteriorated to such an extent that a mulatto was at the head of the Egyptian dynasty.

I do not want such a thing to happen in the United States.

However, the establishment of social equality between the whites and the colored people would be the beginning of a similar process or development in the United States. Once social equality was established, the result in our country inevitably would be similar to that in Egypt. It might not come to pass within my generation or within the generation of my son's son's son, but the time would come.

That is what the colored people are trying to do today. They are doing everything they can to attain social equality with the white race. But as I have said, I will talk as long as God gives me breath to prevent it.

Mr. MEAD. Mr. President, I am sure that any student of history or any Member of the Senate might find ample argument and material to fit his fancy, if he studied the very beginnings of civilization, as to the reasons for the decay or degeneration of either governments, civilizations, or peoples. Such decadence may be attributed to many causes.

But regardless of that subject, regardless of what caused the fall of Rome or the ruination of ancient Greece or the decay of the Egyptian civilization, such considerations have no bearing upon the necessity for the improvement of the economic opportunity of the colored people who are citizens of our country. I am sure my distinguished friend, the Senator from Louisiana, will admit that it is not sufficient to provide them with educational opportunity for 10 or 15 weeks of the year, in a one-room schoolhouse, with an underpaid teacher. We all admit such education would not be very advantageous and would not prove beneficial. Nor can we expect the finest type of citizenship to emanate from an educational background so meager and as limited as that. I am sure the Senator will also agree that bringing up a family in a one-room shack which is not much better than a barn is not conducive to the development of good citizenship. I do not believe we can expect to produce the best type of citizens if our wage standards are so low that the people can hardly keep body and soul together. We still have, I insist, the obligation to improve the economic conditions which we all admit are present and are indefensible in a country so rich as ours.

So, Mr. President, I wish to congratulate my colleague for his continued interest in the matter of providing good housing for the people of this country. I believe that in the slums and in the blighted areas the Senator will find, according to expert testimony on the subject, some explanation for the difficulties which he has associated with the colored race. As I have said, I know many of them who have excellent backgrounds, and have had opportunities to work and obtain educations. They are very fine citizens. I think that if we were to discharge our obligation and make it possible for Negroes as a whole to obtain educations, homes, and jobs, it would pay rich dividends.

Mr. ELLENDER. I repeat to my distinguished colleague that I am in accord with doing what he has suggested being done. Our only difference is with regard to the method of doing it. We will never attain the conditions which he has described by the enactment of such a bill as the one now pending before the Senate.

Mr. President, I desire to continue with facts and figures relating to the city of Cincinnati. A moment ago I presented figures for the year 1937. I shall now proceed to give figures for the year 1938. For the benefit of many Senators who have entered the Chamber since I began this discussion, I may state that I have been arguing for a part of the afternoon in order to show that we of the South are much better able to cope with the Negro problem than are the people in the North. We do not permit colored people to rub elbows with us and be received socially by us, but we do assist them.

The entire population of the city of Cincinnati consists of 11 percent Negroes and 89 percent whites. In that city Negroes committed more crimes consisting of murder, manslaughter, rape, robbery,

burglary, aggravated assault, larceny, and auto theft than were committed by whites. The figures are as follows:

Murder and manslaughter, whites 16, Negroes 37; rape, whites 20, Negroes 22; robbery, whites 127, Negroes 169; aggravated assault, whites 61, Negroes 185; burglary, whites 382, Negroes 290; larceny, whites 675, Negroes 746; auto theft, whites 76, Negroes 70.

Total, whites 1,357, Negroes 1,519.

Or, to put the figures in another form, the rate per 10,000 population was, whites 34, Negroes 316.

Mr. President, by those figures it will be seen that for every white man who committed one of these crimes in Cincinnati, the white population of which constitutes 89 percent of the whole, 9.3 Negroes committed similar crimes.

The same situation prevailed with respect to the years 1939, 1940, and 1941, and in almost the same proportion as that which I have just indicated.

Mr. President, I ask unanimous consent to have the table from which I have just read printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Arrests, city of Cincinnati, 1938

	Whites	Negroes	Total
Murder.....	16	37	53
Manslaughter.....	20	22	42
Rape.....	127	169	296
Robbery.....	61	185	246
Aggravated assault.....	382	290	672
Burglary.....	675	746	1,421
Larceny theft.....	76	70	146
Automobile theft.....			
Total.....	1,357	1,519	2,876
Rate per 10,000 population.....	34	316	

Population:	
White (89 percent).....	403,112
Colored (11 percent).....	47,818
Total.....	450,930
Other.....	230
Total.....	451,160

Crime figures taken from the Annual Report of Division of Police, Department of Safety, City of Cincinnati, 1938.

Population figures taken from 1930 Census (U. S. Bureau of the Census).

Mr. TAFT. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. TAFT. Does not the Senator believe that if there were no discrimination practiced in employment, and Negroes had as good jobs as whites have, the discrepancy to which the Senator has referred might be changed? Does he not believe that the conditions to which he has referred result from discrimination against the employment of Negroes? Is it not true that Negroes are much poorer than white people are, and do not have the income which white people have?

Mr. ELLENDER. I do not believe so, because the figures which I have given not only relates to the Negroes in the city of Cincinnati but to all the poor white folks there as well. If Cincinnati does not have any poor white folk, she is an unusual city.

Mr. TAFT. The Senator knows that in most cities the average income of Negroes is considerably lower than the average income of white people.

Mr. ELLENDER. Could that fact account for the proportion of murders and other crimes to which I have referred?

Mr. TAFT. Yes; I think that discrimination in employment makes it very difficult for colored people to make their living in honest ways, and causes them to turn to crime. There are other causes involved, but I think that the condition which I have pointed out is one of the causes.

Mr. ELLENDER. I agree with the Senator. I presented figures which relate to not only the seven or eight classes of crimes which I mentioned, but practically all crimes. It is true that the ratio as between whites and Negroes is not so great as that which I have just indicated in connection with the city of Cincinnati, but the figures do show that as between the North and the South the proportion of Negroes of the South who are incarcerated in jails, prisons, and reformatories, is much less than in the case of the Negroes of the North.

As I pointed out on many occasions we treat the Negroes of the South much better than the people of the North treat them. As the Administrator of FEPC, created under Executive order, testified last year, only 10 percent of the complaints come from the South and yet we are being charged with discrimination against them. The fact that we treat them better than northern folks may account for fewer crimes among them than those of the North.

AUTHORIZATION TO REPORT APPROPRIATION BILL AND TO SUBMIT NOTICES TO SUSPEND THE RULE

During the delivery of Mr. ELLENDER's speech,

Mr. McKELLAR. Mr. President, will the Senator from Louisiana yield to me to make a unanimous consent request about reporting an appropriation bill?

Mr. ELLENDER. If it will not take me off the floor.

The PRESIDING OFFICER (Mr. JOHNSTON of South Carolina in the chair). Without objection, the Senator from Tennessee may proceed.

Mr. McKELLAR. The Committee on Appropriations has agreed to the independent offices appropriation bill, but it cannot physically report it at this moment. I ask unanimous consent that the bill may be reported as of today.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. McKELLAR. I wish to make a further request. There are two items about which there will have to be motions to suspend the rules in order that they may be considered. I ask unanimous consent that I may give notice now of the request to suspend the rules so that these items may be in order when the bill is considered, if it should be considered tomorrow or the next day.

Mr. MORSE. Mr. President, I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MORSE. Will the Chair explain to the Senator from Oregon the effect of the unanimous consent request made by

the distinguished Senator from Tennessee, if it shall be agreed to, upon the debate which is now taking place in the Senate? I assure the Senator that I want to accommodate him, but I desire to make certain that I understand what effect it will have on the debate now pending before the Senate.

The PRESIDING OFFICER. It will have no effect upon the matter now pending before the Senate.

Mr. McKELLAR. Has the Chair put the request?

The PRESIDING OFFICER. The Chair hears no objection, the request is granted.

Subsequently,

Mr. McKELLAR, from the Committee on Appropriations, to which was referred the bill (H. R. 5201) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1947, and for other purposes, reported it with amendments, and submitted a report (No. 926) thereon.

NOTICES OF MOTIONS TO SUSPEND THE RULE

Mr. McKELLAR. Mr. President, in accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill H. R. 5201, making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1947, and for other purposes, the following amendment, namely:

Page 4, after line 7, insert the following:

"EMERGENCY FUND FOR THE PRESIDENT"

"Emergency fund for the President: Not to exceed \$5,000,000 of the appropriation 'Emergency fund for the President,' contained in the First Supplemental National Defense Appropriation Act, 1943, as supplemented and amended, is hereby continued available until June 30, 1947: *Provided*, That no part of such fund shall be available for allocation to finance a function or project for which function or project a Budget estimate of appropriation was transmitted pursuant to law during the Seventy-ninth Congress, and such appropriation denied after consideration thereof by the Senate and House of Representatives or by the Committees on Appropriations of both bodies."

Mr. McKELLAR also submitted an amendment intended to be proposed by him to House bill 5201, the independent offices appropriation bill, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

Mr. McKELLAR. Mr. President, in accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill H. R. 5201, making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1947, and for other purposes, the following amendment, namely:

On page 14, after line 4, insert the following:

"The Federal Works Administrator is authorized to accept payment, at par and accrued interest, of any obligations, held by him, of States or other public bodies or non-profit corporations, notwithstanding the maturity dates or any premiums for the redemption thereof."

Mr. McKELLAR also submitted an amendment intended to be proposed by him to House bill 5201, the independent offices appropriation bill, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

STARVATION CONDITIONS IN EUROPE

During the delivery of Mr. ELLENDER's speech,

Mr. WHERRY. Mr. President, will the Senator yield to me?

Mr. ELLENDER. I yield if I do not lose my rights to the floor by doing so.

Mr. WHERRY. I hold in my hand an article published in the New York Times. It is under the date line of Washington, February 6. The headline is: "One hundred and forty million in Europe get only 2,000 calories a day."

The article states that according to estimates made in a report made by the Emergency Economic Committee for Europe, which is an intergovernmental body under the chairmanship of Philip Noel-Baker of Great Britain, and members of which are Belgium, Denmark, Greece, Luxembourg, The Netherlands, Norway, Turkey, the United Kingdom and the United States, more than 140,000,000 persons in Europe will have to live on an average total diet of 2,000 calories a day for the next few months, and that about 100,000,000 will be receiving an average of 1,500 calories or less per person. The report certainly is convincing evidence of the truth of the statements which have been made on the floor by nearly a dozen Senators who are interested in having food furnished to the starving people of Europe, that millions face starvation in Europe this winter.

I ask unanimous consent to have the article from the New York Times printed in the RECORD at this point, as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ONE HUNDRED AND FORTY MILLION IN EUROPE TO GET ONLY 2,000 CALORIES A DAY—ECONOMIC COMMITTEE REPORTS 100,000,000 WILL HAVE TO LIVE ON 1,500 UNITS OR LESS—HIGHER DIETS EXPECTED FOR BRITAIN

WASHINGTON, February 6.—More than 140,000,000 persons will have to live on an average total diet of 2,000 calories a day in Europe for the next few months and about 100,000,000 will be receiving an average of 1,500 calories or less per person, according to estimates made in a report made tonight by the Emergency Economic Committee for Europe.

An average of 2,000 calories is regarded as a minimum for safety. The estimates take into account all home-grown and imported food supplies available or in sight.

While the study upon which the estimates were made covered only calories, adequate supplies of other nutritional elements, such as proteins, fats, vitamins, and minerals which are also essential, are even a less satisfactory prospect than are calories.

It was pointed out that an average diet of 2,650 calories in addition to necessary

quantities of other nutritional elements has been recommended by the UNRRA Food Committee as necessary for full health and efficiency. The report warned:

"A serious gap between food supplies and minimum requirements remains for many millions of people in Europe."

The Emergency Committee is an intergovernmental body under the chairmanship of Philip Noel-Baker of Great Britain. Members are Belgium, Denmark, Greece, Luxembourg, The Netherlands, Norway, Turkey, the United Kingdom and the United States.

TEXT OF THE REPORT

Following is the text of the report of the committee:

"The Emergency Economic Committee for Europe has reviewed such information as is available to it about the levels of food consumption in European countries, with the object of estimating the diet in terms of calories which an average person in each country might expect to receive in the course of the next few months.

"The information on which this study is based is incomplete. In some cases it has been necessary to use information obtained through nonofficial channels.

"In all cases the future position has been forecast in terms of prospects as they appeared early in January so that changes in the food outlook which may have taken place since then are not taken into account. Thus, much of the information on which the forecasts have been based is subject to an appreciable margin of error.

"Nevertheless, the committee considers that its review presents a substantially correct broad picture of the prospective food position in the countries covered."

ONE HUNDRED MILLION AT ONE THOUSAND FIVE HUNDRED CALORIES

"The broad picture that emerges after taking into account all home-grown and imported food supplies available or in sight, is that over the next few months over 140,000,000 people in the European countries reviewed will have to continue to live on a diet which provides an average of less than 2,000 calories a day. (See footnote 1.)

"Specifically the committee has found that:

"(A) About 100,000,000 people in the following groups will probably be receiving an average total diet of 1,500 calories per person per day or less:

"(I) The nonfarm population of Austria (74 percent); (see footnote 2), (The nonfarm population in the United States and United Kingdom zones and in Vienna are currently receiving somewhat over 1,500 calories, but most recent information indicates that rations may have to be reduced, thereby bringing the diet of the nonfarm population in all zones of Austria under 1,500 calories.)

"(II) The farm populations of tobacco growing regions in Bulgaria (9 percent).

"(III) German residents in Czechoslovakia (insofar as they do not qualify for Czechoslovak citizenship) (16 percent).

"(IV) The nonfarm population of eastern Slovakia (3 percent).

"(V) The nonfarm population of Finland (43 percent).

"(VI) The nonfarm population of Germany (75 percent). (The nonfarm population in the United States and United Kingdom zones, in the Union of Soviet Socialist Republic zones with certain groups excepted, and in Berlin are currently receiving somewhat over 1,500 calories, but most recent information indicates that rations may have to be reduced, thereby bringing the diet of the nonfarm population in all zones under 1,500 calories.)

"(VII) The nonfarm population of Hungary; especially Budapest (50 percent).

FOR ITALY 59 PERCENT

"(VIII) The nonfarm population of Italy (59 percent).

"(IX) The nonfarm population of Rumania (30 percent).

"(X) The nonfarm population of Spain (40 percent) may also be in this category.

"(B) A further 40,000,000 people will probably be receiving an average total diet of over 1,500 but less than 2,000 calories including:

"(I) The nonfarm population of France (65 percent) (see footnote 2).

"(II) The nonfarm population of Bohemia and Moravia and western Slovakia (50 percent).

"(III) The nonfarm population of Greece (47 percent).

"(IV) The farm and nonfarm population of certain districts of Yugoslavia (33 percent).

"(C) An average of a bare 2,000 calories per day appears to be in prospect for the nonfarm population of Luxembourg and possibly Portugal. Somewhat higher diets still under 2,500 calories may be anticipated for the nonfarm populations of Belgium, Bulgaria, The Netherlands, Norway, Poland (with certain groups at lower levels), and Yugoslavia.

"(D) Average diets of over 2,500 calories will be available only for the nonfarm populations of Denmark, Sweden, Switzerland, and the United Kingdom and farm populations of all countries except where otherwise noted above.

"It should be noted that the above classification excludes entirely Albania, Eire, Turkey, and the Union of Soviet Socialist Republics, for which no definite information on the food situation was available to the committee.

"While this study is in terms of calories only, as a convenient indicator of the level of food supply, adequate supplies of other nutritional elements—proteins, fats, vitamins, and minerals—are also essential.

"In general, current and prospective European diets are even less satisfactory in other nutritional elements and in palatability than they are in calories.

"As a guide to the possible nutritional and economic effects of the diet levels described in this review, it may be noted that a diet containing an average of about 2,650 calories per day, in addition to necessary quantities of other nutritional elements, has been recommended by the UNRRA Food Committee as the amount of food sufficient to maintain full health and efficiency in a population with a normal distribution according to sex, age, and occupation.

"Prewar diets in some countries in southern and eastern Europe did not reach this level, however, while diets in northwestern European countries were generally at levels somewhat above this standard.

"An average diet of around 2,000 calories has been generally recognized in military and civilian relief planning as a minimum level below which there would be marked effects on ability to work and danger of the development of disease and unrest associated with food shortage.

"These effects become progressively more serious as the diet is reduced down to and below 1,500 calories and the period of low diet is prolonged.

SERIOUS GAP FOR MILLIONS

"Thus a serious gap between food supplies and minimum requirements remains for many millions of people in Europe even after the vigorous efforts to alleviate the position which have been, and are being, made by the governments and international agencies concerned have been taken into account."

Footnote 1. It is emphasized that the division of various groups of the population of Europe into broad diet categories is based on the estimated prospective average level of the total diet of the group concerned. Within any group the actual consumption of different individuals may vary from starvation to fully adequate levels.

Footnote 2. The percentage figures shown in parenthesis are an estimate of the proportion of the total population of the country concerned which is in the particular group listed. Thus, about 74 percent of the total population of Austria are estimated to be in the nonfarm population group.

ADJUTANT GENERAL OF THE ARMY

During the delivery of Mr. ELLENDER's speech:

Mr. MAYBANK. Mr. President, will the Senator from Louisiana yield to me, if by so doing so he does not lose his right to the floor?

Mr. ELLENDER. I yield.

Mr. MAYBANK. Mr. President, an editorial was published in The State, of Columbia, S. C., the issue of Tuesday, February 5, 1946, entitled "Adjutant General of the Army." It relates to the nomination of Maj. Gen. E. F. Witsell to be Adjutant General of the Army and to the confirmation of his nomination. We in South Carolina are fortunate in having one of our distinguished native sons elevated to the position of Adjutant General of the Army. We are indeed proud that he has been selected for this most important position.

General Witsell is a man of outstanding character and ability. He has a long and glorious war record. Furthermore, Mr. President, he is a man with a heart, a man who understands human nature and the problems of the GI. I think the United States of America is particularly fortunate in having such a distinguished gentleman as Adjutant General of the Army.

I ask unanimous consent to have the editorial printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ADJUTANT GENERAL OF THE ARMY

In the State Sunday we carried the news that Maj. Gen. E. F. Witsell had been confirmed as Adjutant General of the Army. For some time, ever since the illness of General Ullo, General Witsell has been Acting Adjutant General, much of the heavy war work falling on his shoulders. He is a South Carolinian, a native of Charleston and a graduate of The Citadel. He is another man from this State who has made good in a big way, and this newspaper is pleased to note that he is no longer serving in an acting capacity but is now the Adjutant General of the Army.

APPEAL FROM DECISION OF THE CHAIR ON CLOTURE MOTION

The Senate resumed consideration of the appeal of Mr. BARKLEY from the decision of the Chair sustaining the point of order of Mr. RUSSELL that, under the rule, the presentation of the cloture motion on the FEPC bill was not in order.

Mr. BARKLEY. Mr. President, without taking him off the floor, will the Senator from Louisiana yield to me in order that I may make the point of no quorum?

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Kentucky, with the understanding as stated?

Mr. ELLENDER. I yield.

Mr. BARKLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Gurney	Murray
Austin	Hart	O'Daniel
Bailey	Hatch	Overton
Ball	Hawkes	Pepper
Bankhead	Hayden	Radcliffe
Barkley	Hickenlooper	Reed
Billbo	Hill	Revercomb
Brewster	Hoey	Robertson
Bridges	Johnson, Colo.	Russell
Briggs	Johnston, S. C.	Saltonstall
Buck	Kilgore	Shipstead
Bushfield	Knowland	Smith
Butler	La Follette	Stanfill
Byrd	Langer	Stewart
Capehart	Lucas	Taft
Capper	McCarran	Taylor
Carville	McClellan	Thomas, Okla.
Cordon	McFarland	Thomas, Utah
Donnell	McKellar	Tobey
Downey	McMahon	Tunnell
Eastland	Magnuson	Tydings
Ellender	Maybank	Walsh
Ferguson	Mead	Wheeler
Fulbright	Millikin	Wherry
George	Mitchell	White
Gerry	Moore	Wiley
Gossett	Morse	Willis
Green	Murdock	Wilson

The PRESIDENT pro tempore. Eighty-four Senators having answered to their names, a quorum is present.

Mr. BARKLEY. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Louisiana yield to the Senator from Kentucky?

Mr. ELLENDER. I yield, on the same conditions heretofore stated.

Mr. BARKLEY. I might advise the Senator from Louisiana that it will be necessary ultimately for him to yield the floor, but I think there will be no difficulty about that.

Mr. President, I always try to be frank with the Senate in the matter of its procedure and the consideration of legislation. We have now been for some 3 weeks considering the parliamentary and legislative situation involving Senate bill 101, and the effort to bring it to a vote. The Senator is familiar with the procedure up to the present, which involves the approval of the Journal of the 17th of January, and then later involves an appeal from the decision of the Chair on a ruling made last week when I made an effort to file a petition for cloture to bring to a close the debate on Senate bill 101.

Under the rules of the Senate the motion to amend the Journal, as well as the motion to approve the Journal, is debatable, and can be debated indefinitely unless some method is devised to close debate on the motion. An appeal from the decision of the Chair is likewise debatable, and can be debated indefinitely unless some method be found to close debate on that. Therefore we now have a double-barreled situation, so that two propositions which are debatable indefinitely might be before the Senate before we could file a petition for cloture on Senate bill 101, unless in the meantime a method might be found by which debate could be terminated on the appeal from the decision of the Chair in the first instance, in the second instance on the motion of the Senator from North Carolina [Mr. HOEY] to amend the Journal, and, I might say, in the third instance on the motion to approve the Journal. All that has to be cleared away as underbrush before we can get back

to the main proposition of the consideration of Senate bill 101.

As I indicated a few days ago, and as I still believe, the test of the ability of the Senate to bring about a vote on Senate bill 101 depends upon our ability to carry by the required two-thirds majority a motion to close debate under rule XXII. Unless we can reach a posture in the parliamentary situation where we can get a vote on that, we cannot get a vote on the bill.

Therefore, Mr. President, under these circumstances it seems to me wise to get a vote on the cloture motion so that we may know where we are. In order to get a vote on the cloture motion it is necessary that I withdraw my appeal from the decision of the Chair on the ruling of a few days ago, it is necessary for the Senator from North Carolina to withdraw his amendment to the Journal, and it will then be necessary to approve the Journal, so that a motion for cloture can be filed.

Believing, as I do, and as I think a majority on both sides believes, that it is essential that we get a vote on cloture so that we can determine whether we can ever get a vote on the bill, I have determined to withdraw my appeal from the decision of the Chair, after conference with both sides, with the Senator from North Carolina, and with those who oppose and those who support Senate bill 101, without prejudice in any way insofar as the merits of the interpretation of rule XXII may be concerned, because I think the time will come, in connection with some legislation, when the Senate must either interpret what it meant when it adopted rule XXII, or it must amend the rule so that we will not find ourselves in an impasse where we cannot function.

So, without prejudice to the right to bring that question before the Senate at any appropriate time, either for interpretation, or an amendment to the rule, I have decided to withdraw my appeal from the decision of the Chair, because I think that is an essential first step to getting a vote of the Senate not only on the motion for cloture, but on the right to file it under the ruling of the Chair.

Therefore, Mr. President, under those conditions, I now withdraw my appeal from the decision of the Chair holding that the petition for closing debate which I offered a few days ago could not be filed.

Mr. MORSE. Mr. President, will the Senator yield for a question?

Mr. BARKLEY. I yield to the Senator from Oregon.

Mr. MORSE. The Senator says "without prejudice." I wonder if he will explain to me what he means by that; because it seems to me that one of the real dangers of this situation is that a record is now being made of a ruling of the Chair which some of us believe to be an erroneous ruling—and I say that with all respect to the Chair—and in my opinion, a record has not been made as yet, with full adequacy, of the cons of that ruling. If the Senator from Kentucky now withdraws his appeal it seems to me that we are running a very serious danger of establishing a precedent which may be used on the floor of

the Senate on a future occasion, just as other precedents were cited in the very able statement—although I do not agree with it—which the President pro tempore made on Monday last when he ruled on the question which had been raised. I do not think the precedents cited are applicable to the situation before the Senate, and I regret that the appeal is going to be withdrawn, unless there can be presented a much more complete statement of the opposite point of view on the ruling of the Chair.

I will be perfectly frank with the Senator from Kentucky. I have an argument which I desire to make on the ruling of the Chair. At the same time I do not want to take the time of the Senate this afternoon to make the argument if it can be understood that, for the purpose of the RECORD, I shall be able to make the argument—shall we say, tomorrow, at a time when most of the Senators are having lunch, and therefore will not be inconvenienced?

Mr. BARKLEY. I would not impose on the Senator from Oregon the requirement that he make his speech while Senators are at lunch. But I wish to say, and I intended to say, that in withdrawing the appeal at this time from this specific ruling, with which I disagree sincerely and conscientiously, because I believe that if the Senate maintains that ruling it in effect nullifies the cloture rule, rule XXII, so we might never get to a point where we could even file a petition for cloture, which certainly was not intended by the Senate when it adopted rule XXII, that in withdrawing the appeal I yield nothing of my view upon that subject. I do not accept the ruling, so far as I am concerned, as a precedent, because I would reserve the same right at any other time, when a ruling is made under the provision of rule XXII, which is involved here, to ask the Senate to interpret its own rule, that I have asserted in taking the appeal in this instance. I am withdrawing my appeal now in order that we may get to a vote on cloture, which, as I see it, is the test at this time of our ability to bring the pending bill to a vote.

Mr. MORSE. Mr. President, in order that the RECORD may be perfectly clear as to my position, may I remind the Senator from Kentucky that I have had much to say on the floor of the Senate in recent days about the question of majority rule? I happen to believe in it. I am perfectly aware that my opposition, or my inability to agree with the procedure which is about to be followed, represents a decidedly minority opinion, and I do not think it would be at all sportsmanlike for me to raise any technical objection that I might raise at this time, or make an objection myself, or proceed at this time to make the arguments on the ruling of the Chair which I think ought to be made for the RECORD. Hence I shall not resort to any of those techniques, but I do want to serve notice—and I should like to have it understood—that tomorrow at some hour when I do not feel that I would be interfering too much with the business of the Senate, I do want to set forth for the RECORD the reasons why I think the ruling of the Chair from which the Sen-

ator from Kentucky appealed, was an erroneous ruling, so that the RECORD may show the basis on which I make my statement.

Mr. BARKLEY. I might say to the Senator from Oregon that I contemplate at the appropriate time, in order that the Senate may have it under consideration, to make a rather detailed argument myself with respect to the purpose of rule XXII. I certainly would not do it tomorrow. I do not know that the Senator means that he makes that as a condition upon which we are proceeding now.

Mr. MORSE. Decidedly not.

Mr. BARKLEY. So far as I am concerned, the Senator can make his argument at any time when it is appropriate to do so. And I think I will find myself in agreement with the basis of his argument, because I feel very deeply about the rule under which we are now proceeding, or attempting to proceed, or are prevented from proceeding. But I think at some appropriate time, when we are not laboring under such conditions as now prevail here, there ought to be a thorough threshing out of the intention of the Senate when it adopted rule XXII, and the meaning of that rule within any reasonable interpretation.

Mr. MORSE. May I make very clear to the Senator from Kentucky that my statement as to my desire to present an argument tomorrow in no way refers to any condition precedent to any proceeding the Senate follows this afternoon. At the same time I should not want the RECORD to be closed today in such a way that anyone would gain from it the impression that I find myself in agreement with the procedure or that I think the ruling of the Chair the other day is a correct ruling.

Mr. President, I believe I can put it in this way: There are two things I am trying to do. I am trying to demonstrate that I am endeavoring to cooperate with doing business, so far as the Senate is concerned, when I discover that I am in such a minority as I am in this instance. In the second place, I want to show my complete disagreement with the ruling of the Chair and the procedure being followed by making an argument respecting my position at a later hour.

Mr. BARKLEY. Mr. President, that is why I stated, in withdrawing the appeal, that I did it without prejudice to any principle involved, and without yielding in any way my views in regard to the ruling from which I appealed.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. OVERTON. Taking cognizance of the remark made by the Senator from Oregon respecting the rule of the majority, may I inquire of the able majority leader whether the rules of the Senate were adopted by a majority or minority vote?

Mr. BARKLEY. I do not think anything is adopted here, including the rules, without a majority vote.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. TAFT. I want only to express my agreement with the Senator from Kentucky. I understand the RECORD will

show that the present occupant of the chair believes the rule to be one thing and the majority leader, and those of us who support him, believe it to be another, but that the actual decision as to what the rule means will be left to a later date, the Senator from Kentucky having accomplished the purpose of securing, by agreement, a vote on cloture.

Mr. GEORGE. Mr. President, that is not the stipulation at all.

Mr. BARKLEY. That is not an accurate statement.

Mr. GEORGE. That is not the stipulation at all. I would not sit here and allow a statement of that kind to go into the Record unchallenged. That is not the parliamentary situation at all.

Mr. TAFT. The point I wish to make is that the Senator from Kentucky, in moving to dismiss his appeal, is not admitting the correctness of the ruling.

Mr. BARKLEY. I stated that.

Mr. TAFT. In joining with the Senator from Kentucky in his move to dismiss the appeal, I also do not concur in the correctness of the ruling. I expressed my opinion on the ruling on February 4, as is to be found in the Record, and I merely wish to say that in concurring with the dismissal of the appeal I do not wish to indicate that I have in any way changed my opinion expressed at that time.

Mr. BARKLEY. All I wish to say is that I do not yield my views in regard to the interpretation of rule XXII, and that in withdrawing my appeal I do not forego the right at some future and more appropriate time to bring in question the principle involved in the rule. It would probably be on some other legislation, but I did not mean to infer that the decision of the Senate on the ruling, and on the interpretation of that rule, is deferred to some later date, because that could not be done, and I did not mean that to be the interpretation of my remarks.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. RUSSELL. I wish to make a statement for the Record. Since statements are being made which are critical of the ruling of the Chair, I wish to state that there are those of us in this body who are as conscientious as any Senator who has spoken, who believe that the ruling of the Chair was not only eminently correct, but in view of the precedents of this body, was the only ruling that could be made without doing violence to the rules which have been adopted.

Mr. President, if the rules of the Senate do not conform to the ideas of Senators as to what they should be, let Senators offer amendments to the rules in the regular way. I say that those of us who believe that the ruling of the Chair was correct, who heard the precedents which were read from the Record, are convinced that the ruling of the Chair was not only correct, but the only ruling that could have been made without striking down the rules of the Senate adopted for its own guidance.

Mr. BARKLEY. Mr. President, in stating my views I, of course, did not remotely mean to cast any reflection on the sincerity or earnestness of any other Senator who takes a different view. If it were not for the difference which exists among lawyers as to what the law is in any case involving the rights of people, the legal profession would go out of business; it would not be needed. Lawyers who take different sides of a question in the courts or elsewhere, and in interpreting the law, are accorded as much sincerity as anyone. And I accord that sincerity to all Members of this body, regardless of their opinion. I do not, however, want my withdrawal of the appeal to be interpreted to mean that I have changed my views with respect to the proper interpretation of the rule. I accord to all Senators equal sincerity with myself, and I accord to the distinguished Presiding Officer entire sincerity in the decision which he rendered.

With that, Mr. President, I now withdraw the appeal.

The PRESIDENT pro tempore. The Senator from Kentucky has the right to withdraw his appeal from the ruling of the Chair, and has done so.

The question now recurs on the motion of the Senator from North Carolina [Mr. HOEY] to amend the Journal of the proceedings of the Senate of Thursday, January 17, 1946.

Mr. HOEY. Mr. President, I appreciate the serious and extended consideration which the Senate has given to my amendment for approximately 2 weeks; but since it has not been adopted, I ask leave to withdraw it.

The PRESIDENT pro tempore. The Senator has the right to withdraw it, and the amendment is withdrawn.

Mr. BARKLEY. Mr. President, I ask unanimous consent that the Journal about which we have been debating be approved. I wish to announce that following that I shall offer the cloture petition which I attempted to offer the other day.

The PRESIDENT pro tempore. Without objection, the Journal of the proceedings of the Senate of Thursday, January 17, 1946, is approved.

The Chair now lays before the Senate the unfinished business.

FAIR EMPLOYMENT PRACTICE ACT

The Senate resumed the consideration of the bill (S. 101) to prohibit discrimination in employment because of race, creed, color, national origin, or ancestry.

Mr. BARKLEY. Mr. President, I send to the desk a motion under rule XXII, and ask that it be read.

The PRESIDENT pro tempore. Without objection, the Chair will designate the clerk to read the motion. The Chair believes that the rule provides that the Chair shall read it. The Chair asks unanimous consent that the clerk may read it. Is there objection? The Chair hears none.

The Chief Clerk read as follows:

PETITION FOR CLOTURE

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby

move to bring to a close the debate upon the bill (S. 101) entitled "A bill to prohibit discrimination in employment because of race, creed, color, national origin, or ancestry":

DENNIS CHAVEZ, JOSEPH F. GUFFEY, CHARLES C. GOSSETT, JAMES W. HUFFMAN, HARLEY M. KILGORE, ALBEN W. BARKLEY, SCOTT W. LUCAS, GLEN TAYLOR, ABE MURDOCK, JAS. M. MEAD, FRANCIS J. MYERS, FRANK P. BRIGGS, SHERIDAN DOWNEY, THEODORE FRANCIS GREEN, ROBERT F. WAGNER, BRIEN MCMAHON, DAVID I. WALSH, ELBERT D. THOMAS, CLAUDE PEPPER, ELMER THOMAS, JAMES E. MURRAY, WARREN G. MAGNUSON, HUGH B. MITCHELL, JAMES M. TUNNELL, FORREST C. DONNELL, WAYNE MORSE, LEVERETT SALTONSTALL, W. A. STANFILL, ROBERT M. LA FOLLETTE, JR., HUGH BUTLER, H. ALEXANDER SMITH, B. J. HICKENLOOPER, RAYMOND R. WILLIS, ROBT. A. TAFT, WILLIAM LANGER, GUY CORDON, OWEN BREWSTER, HOMER FERGUSON, ARTHUR CAPPER, CHAS. W. TOBEY, KENNETH S. WHERRY, CLYDE M. REED, HOMER E. CAPEHART, JOSEPH H. BALL, C. WAYLAND BROOKS, THOS. C. HART, GEORGE D. AIKEN, WILLIAM F. KNOWLAND.

Mr. BARKLEY. Mr. President, under the rule the Senate would be required to vote 1 hour after the Senate meets on the second day after the filing of the cloture petition, which would be Saturday at 1 o'clock p. m.

The Senator from New Mexico [Mr. CHAVEZ] the author of the bill, who has been in charge of it, is now ill at his home with a severe cold, and is unable to be present today. I am speaking for him, after conferring with him. Because of a situation which exists in his domestic household, because of the fact that his daughter is to be married at 12 o'clock on Saturday, he asks, and I ask, unanimous consent that instead of voting at 1 o'clock on Saturday, the vote be taken at 4 o'clock p. m. I ask unanimous consent that instead of voting at the hour of 1 o'clock p. m., under the rule, we vote at the hour of 4 o'clock p. m.

The PRESIDENT pro tempore. The Senator from Kentucky asks unanimous consent that instead of voting at 1 o'clock p. m. on Saturday on the petition for cloture, the hour for the vote be fixed at 4 o'clock p. m. Is there objection? The Chair hears none, and it is so ordered.

Mr. SALTONSTALL. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. SALTONSTALL. Following the petition for cloture which has just been presented under the rule, are amendments to Senate bill 101 now in order to be offered?

The PRESIDENT pro tempore. The Senator may offer such amendments, so that they may be read before the vote to bring the debate to a close.

Mr. SALTONSTALL. Mr. President, a further parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. SALTONSTALL. If they are offered now, or before 4 o'clock on Saturday, may they then be debated after 4 o'clock on Saturday, provided the motion for cloture is adopted at that time?

The PRESIDENT pro tempore. If it can be done within the limitation of the rule, which allows 1 hour's debate for each Senator.

Mr. SALTONSTALL. I then offer at this time, without discussion, two amendments which are printed under my name, and designated as amendments intended to be proposed by me to the bill.

The PRESIDENT pro tempore. The amendments will be received and filed, to be taken up under the conditions named.

Without objection, they will be considered in compliance with the rule, and printed in the RECORD.

The amendments intended to be proposed by Mr. SALTONSTALL are as follows:

Amendment intended to be proposed by Mr. SALTONSTALL to the bill (S. 101) to prohibit discrimination in employment because of race, creed, color, national origin, or ancestry, viz: On page 7, after line 7, strike out lines 8 to 16, inclusive, and insert in lieu thereof the following:

"(B) Whenever it is alleged that any person has engaged in any such unfair employment practice, the Commission, or any referee, agent, or agency designated by the Commission for such purpose, shall cause prompt investigation to be made in connection therewith; and if the Commission shall determine after such investigation that probable cause exists for crediting the allegations of the complaint, it shall immediately endeavor to eliminate the unlawful employment practice complained of by conference, conciliation, and persuasion. Neither the Commission nor any officer or employee of the Commission shall disclose what has transpired in the course of such endeavors.

"In the case of failure so to eliminate such practice, or in advance thereof if in the judgment of the Commission, circumstances so warrant, the Commission shall have power to issue and cause to be served upon such person a complaint stating the charges in that respect and containing a notice of hearing before the Commission or a member thereof, or before a designated referee, agent, or agency at a place therein fixed not less than 10 days after the serving of said complaint."

Amendment intended to be proposed by Mr. SALTONSTALL to the bill (S. 101) to prohibit discrimination in employment because of race, creed, color, national origin, or ancestry, viz: On page 8, beginning with line 10, strike out down through and including line 16, on page 9, and insert in lieu thereof the following:

"(e) The Commission shall have power to petition any circuit court of appeals of the United States (including the United States Court of Appeals for the District of Columbia) or, if all the circuit courts of appeals to which application might be made are in vacation, any district court of the United States, within any circuit or district, respectively, wherein the unfair employment practice in question was alleged to have occurred, or wherein such person resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court to which petition is made a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was entered and the findings and the order of the Commission. Upon such filing the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction of the proceeding and of the question determined therein, including questions of fact and questions of law, and shall have power to

grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Commission. The findings of the Commission as to the facts, if supported by substantial evidence, shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Commission, its member, or designated referee, agent, or agency, the court may take and consider such additional evidence. The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, subject to review by the appropriate circuit court of appeals if application was made to the district court as hereinabove provided, and by the Supreme Court of the United States upon writ of certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended (U. S. C., title 28, secs. 346 and 347).

"(f) Any person aggrieved by a final order of the Commission granting or denying in whole or in part the relief sought may obtain a review of such order in any circuit court of appeals of the United States (including the United States Court of Appeals for the District of Columbia) within any circuit wherein the unfair employment practice in question was alleged to have occurred, or wherein such person resides or transacts business, by filing in such court a written petition praying that the order of the Commission be modified or set aside. A copy of such petition shall be forthwith served upon the Commission, and thereupon the aggrieved party shall file in the court a transcript of the entire record in the proceeding, certified by the Commission, including the pleadings and testimony upon which the order complained of was entered and the findings and order of the Commission. Upon such filing, the court shall proceed in the same manner as in the case of an application by the Commission under subsection (e), and shall have the same exclusive jurisdiction to grant to the Commission such temporary relief or restraining order as it deems just and proper, and in like manner to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Commission; and the findings of the Commission as to the facts, if supported by substantial evidence, shall in like manner be conclusive.

"(g) The commencement of proceedings under subsection (e) or (f) of this section shall not, unless specifically ordered by the court, operate as a stay of the Commission's order.

"(h) Petitions filed under this act shall be heard expeditiously, and if possible within 10 days after they have been docketed."

Mr. MILLIKIN. Mr. President, a point of order.

The PRESIDENT pro tempore. The Senator will state it.

Mr. MILLIKIN. Does not the rule require that amendments may not be considered, if cloture is defeated, unless they have been presented and read prior to the decision on cloture?

The PRESIDENT pro tempore. If cloture is defeated, there will be no limitation at all.

Mr. BARKLEY. If cloture is defeated, the bill will stand in the same relationship as though cloture had never been voted upon.

Mr. MILLIKIN. Then I ask, if cloture is sustained, may amendments be debated which have not been presented and read prior to the time of the decision on cloture?

The PRESIDENT pro tempore. Only by unanimous consent.

Mr. MORSE. Mr. President, in accordance with the ruling just made by the Chair, I now offer and send to the desk a substitute amendment to Senate bill 101. I ask for a ruling that it complies with the rule.

The PRESIDENT pro tempore. Without objection, it is so ordered, and the amendment will be printed in the RECORD.

The amendment intended to be proposed by Mr. MORSE is as follows:

Amendment (in the nature of a substitute) intended to be proposed by Mr. MORSE to the bill (S. 101) to prohibit discrimination in employment because of race, creed, color, national origin, or ancestry, viz: Strike out all after the enacting clause and insert the following:

"That this act may be cited as the 'Fair Employment Practice Act.'

"FINDINGS AND DECLARATION OF POLICY"

"SEC. 2. The Congress hereby finds and declares—

"(a) That the practice of denying employment opportunities to, and discriminating in employment against, properly qualified persons by reason of race, religious creed, or color is contrary to the principles of freedom and equality of opportunity upon which this Nation is built, is incompatible with the provisions of the Constitution, foments domestic strife and unrest, deprives the United States of the fullest utilization of its capacities for production and defense, and burdens, hinders, and obstructs commerce.

"(b) That it is the policy of the United States to bring about the elimination of discrimination because of race, religious creed, or color in all employment relations which fall within the jurisdiction or control of the Federal Government.

"UNFAIR EMPLOYMENT PRACTICES DEFINED"

"SEC. 3. (a) It shall be an unfair employment practice for any employer within the scope of this act—

"(1) to refuse to hire any person because of such person's race, religious creed, color, national origin, or ancestry;

"(2) to discharge any person from employment because of such person's race, religious creed, color, national origin, or ancestry;

"(3) to discriminate against any person in compensation or in other terms or conditions of employment because of such person's race, religious creed, color, national origin, or ancestry; and

"(4) to confine or limit recruitment or hiring of persons for employment to any employment agency, placement service, training school or center, labor union or organization, or any other source that discriminates against persons because of their race, color, religious creed, national origin, or ancestry.

"(b) It shall be an unfair employment practice for any labor union within the scope of this act—

"(1) to deny full membership rights and privileges to any person because of such person's race, religious creed, color, national origin, or ancestry;

"(2) to expel from membership any person because of such person's race, religious creed, color, national origin, or ancestry; or

"(3) to discriminate against any member, employer, or employee because of such person's race, religious creed, color, national origin, or ancestry.

"(c) It shall be an unfair employment practice for any employer or labor union with-

in the scope of this act to discharge, expel, or otherwise discriminate against any person because he has opposed any practices forbidden by this act or because he has filed a charge, testified, or assisted in any proceeding under this act.

"SCOPE OF ACT

"SEC. 4. (a) This act shall apply to any employer having in his employ 50 or more persons, who is (1) engaged in interstate or foreign commerce or in operations affecting such commerce; (2) under contract with the United States or any agency thereof or performing work, under subcontract or otherwise, called for by a contract to which the United States or any agency thereof is a party, awarded, negotiated, or renegotiated as hereinafter provided in section 8 of this act.

"(b) This act shall apply to any labor union which has 50 or more members who are engaged in interstate or foreign commerce or in operations affecting such commerce or employed by the United States or any Territory, insular possession, or instrumentality thereof.

"(c) This act shall apply to the employment practices of the United States and of every Territory, insular possession, agency, or instrumentality thereof, except that subsection (b) of section 6, providing for enforcement by the courts, shall not apply in any case of any department or independent agency of the United States; but in any such case the Fair Employment Practice Commission established by section 5 of this act shall make a report to the President, and it shall thereupon be the duty of the President to take such measures as he deems appropriate to prevent such department or agency from engaging in an unfair employment practice.

"FAIR EMPLOYMENT PRACTICE COMMISSION

"SEC. 5. (a) There is hereby created a commission to be known as the Fair Employment Practice Commission (hereinafter referred to as the 'Commission'), which shall be composed of five members who shall be appointed by the President, by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of 1 year, one for a term of 2 years, one for a term of 3 years, one for a term of 4 years, and one for a term of 5 years, but their successor shall be appointed for terms of 5 years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as chairman of the Commission. Any member of the Commission may be removed by the President upon notice and hearing for neglect of duty or malfeasance in office, but for no other cause.

"(b) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission and three members of the Commission shall at all times constitute a quorum.

"(c) The Commission shall have an official seal which shall be judicially noticed.

"(d) Each member of the Commission shall receive a salary at the rate of \$10,000 a year, and shall not engage in any other business, vocation, or employment.

"(e) When three members of the Commission have qualified and taken office, the Committee on Fair Employment Practice established by Executive Order No. 9346 of May 27, 1943, shall cease to exist. All employees of the said committee shall then be transferred to and become employees of the Commission, and all records, papers, and property of the committee shall then pass into the possession of the commission.

"(f) The principal office of the Commission shall be in the District of Columbia, but it may meet and exercise any or all of its powers at any other place and may establish such regional offices as it deems necessary. The Commission may, by one or more of its members or by such agents or agencies as it may

designate, conduct any investigation, proceeding, or hearing necessary to its functions in any part of the United States.

"(g) The Commission shall have power—

"(1) to appoint such officers and employees as it deems necessary to assist in the performance of its functions;

"(2) to cooperate with or utilize regional, State, local, and other agencies and to utilize voluntary and uncompensated services;

"(3) to pay to witnesses whose depositions are taken or who are summoned before the Commission or any of its agents or agencies the same witness and mileage fees as are paid to witnesses in the courts of the United States;

"(4) to issue from time to time, such regulations as it deems necessary to regulate its own procedure and the appearance of persons before it, and to amend or rescind, from time to time, any such regulation whenever it deems such amendment or rescission necessary to carry out the provisions of this act;

"(5) to serve process or other papers of the Commission, either personally, by registered mail, or by leaving a copy at the principal office or place of business of the person to be served; and

"(6) to make such technical studies as are appropriate to effectuate the purposes and policies of this act and to make the results of such studies available to interested Government and nongovernmental agencies.

"DUTIES OF THE COMMISSION

"SEC. 6. (a) It shall be the duty of the Commission to bring about the removal of discrimination in regard to hire, or tenure, terms, or conditions of employment, or union membership, because of race, religious creed, or color—

"(1) by making comprehensive studies of such discrimination in different metropolitan districts and sections of the country and of the effect of such discrimination, and of the best methods of eliminating it;

"(2) by formulating, in cooperation with other interested public and private agencies, comprehensive plans for the elimination of such discrimination, as rapidly as possible, in regions or areas where such discrimination is prevalent;

"(3) by publishing and disseminating reports and other information relating to such discrimination and to ways and means for eliminating it;

"(4) by conferring, cooperating with, and furnishing technical assistance to employers, labor unions, and other private and public agencies in formulating and executing policies and programs for the elimination of such discrimination;

"(5) by receiving and investigating complaints charging any such discrimination and by investigating other cases where it has reason to believe that any such discrimination is practiced; and

"(6) by making specific and detailed recommendations to the interested parties in any such case as to ways and means for the elimination of any such discrimination.

"(b) Whenever the Commission finds that any person has engaged in any unfair employment practice within the scope of this act and that the Commission is unable to eliminate such unfair employment practice by use of the means specified in subsection (a), the Commission may apply to the appropriate district court of the United States for an order enjoining such person from engaging in such unfair employment practice; and upon a showing by the Commission that such person has engaged in or is about to engage in such unfair employment practice, the court may grant without bond a permanent or temporary injunction, restraining order, or other order prohibiting such person from engaging in such practice.

"(c) The Commission shall at the close of each fiscal year report to the Congress and to the President describing in detail the investigations, proceedings, and hearings it has

conducted and their outcome, the decisions it has rendered, and the other work performed by it, and shall make such recommendations for further legislation as may appear desirable. The Commission may make such other recommendations to the President or any Federal agency as it deems necessary or appropriate to effectuate the purposes and policies of this act.

"INVESTIGATORY POWERS

"SEC. 7. (a) For the purpose of all investigations, proceedings, or hearings which the Commission deems necessary or proper for the exercise of the powers vested in it by this act, the Commission, or its authorized agents or agencies, shall at all reasonable times have the right to examine or copy any evidence of any person relating to any such investigation proceeding, or hearing.

"(b) Any member of the Commission shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any investigation, proceeding, or hearing before the Commission, its member, agent, or agency conducting such investigation, proceeding, or hearing.

"(c) Any member of the Commission, or any agent or agency designated by the Commission for such purposes, may administer oaths, examine witnesses, receive evidence, and conduct investigations, proceedings, or hearings.

"(d) Such attendance of witnesses and the production of such evidence may be required, from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

"(e) In case of contumacy or refusal to obey a subpoena issued to any person under this act, any district court of the United States or the United States courts of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the investigation, proceeding, or hearing is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Commission shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission, its member, agent, or agency there to produce evidence if so ordered, or there to give testimony relating to the investigation, proceeding, or hearing; any failure to obey such order of the court may be punished by it as a contempt thereof.

"(f) No person shall be excused from attending and testifying or from producing documentary or other evidence in obedience to the subpoena of the Commission, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

"GOVERNMENT CONTRACTS

"SEC. 8. (a) All contracting agencies of the Government of the United States shall include in all contracts hereafter awarded, negotiated, or renegotiated by them, except such classes of contracts as may be exempted from the scope of this provision by regulations of the Commission, a provision obligating the contractor not to discriminate against any employee or applicant for employment because of race, religious creed, color, national origin, or ancestry, and requiring him to include a similar provision in all subcontracts.

"(b) No contract shall be awarded or executed by the United States or any agency

thereof to any person found by the Commission to have violated any such provision of such a contract or to any firm, corporation, partnership, or association in which such person has a controlling interest, for a period to be fixed by the Commission not to exceed 3 years from the date when the Commission determines such violation to have occurred. The Commission may by subsequent order, for good cause shown, reduce any period so fixed. The Comptroller General is authorized and directed to distribute a list to all agencies of the United States containing the names of such persons."

Amend the title so as to read: "A bill to prohibit discrimination in employment because of race, religious creed, color, national origin, or ancestry."

Mr. MORSE. Let me say, in regard to the printing of the substitute, that as it was printed last night a word which I had written in handwriting, "religious" is printed in the amendment as "religions." I should like to have a correction made, so that the word will read "religious."

The PRESIDENT pro tempore. Without objection, the correction will be made.

Mr. WHERRY. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. WHERRY. Following the ruling of the Chair, the distinguished Senator from Massachusetts offered his amendment. Do I correctly understand that if such amendments are not read, even though cloture should prevail, the amendments may not be debated after the vote on cloture is taken, without unanimous consent?

The PRESIDENT pro tempore. Unless they have been presented and read by 4 o'clock p. m. on Saturday or their reading waived by unanimous consent.

Mr. WHERRY. Then is it in order that the amendments be read between now and the time the cloture petition is voted upon?

The PRESIDENT pro tempore. The Senator is correct, unless the reading is waived.

Mr. SALTONSTALL. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. SALTONSTALL. By offering the amendments and sending them to the desk at this time, are not all the rules complied with, so that such amendments may be debated and presented for a vote after cloture is voted upon?

The PRESIDENT pro tempore. The Senator must present them now in order that they may be pending and argued after 4 o'clock p. m. on Saturday.

Mr. SALTONSTALL. So all the rules have been complied with.

Mr. BARKLEY. Mr. President, I ask unanimous consent that all amendments which have been offered or may be offered before 4 o'clock p. m. on Saturday be considered as having been offered in compliance with the rule.

The PRESIDENT pro tempore. Is there objection?

Mr. RUSSELL. Mr. President, may we have the request stated?

Mr. BARKLEY. I ask unanimous consent that all amendments which have

been offered or may be offered between now and 4 o'clock p. m. on Saturday be considered as having been offered in compliance with the rule, which means that they will be pending if cloture should be agreed to. As the Senator knows, under the rule they may not be offered after the vote on cloture, if cloture should be adopted, except by unanimous consent.

Mr. RUSSELL. I am well aware of that. But is the Senator asking that any amendment may be sent to the desk, without Senators being apprised of the contents?

Mr. BARKLEY. No. I mean any amendments offered from the floor during sessions of the Senate, up until 4 o'clock p. m. on Saturday. I ask unanimous consent that they be considered as having been offered under the rule, and in compliance with the rule. I think that is the rule anyway.

Mr. RUSSELL. The Senator is as badly in error in that respect as he is in regard to the ruling of the Chair. The rule provides that amendments must be offered and read.

Mr. MILLIKIN. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. MILLIKIN. Assuming that we have a favorable vote on cloture, if any Senator wishes to debate an amendment, must not the amendment have been presented and read prior to the vote on cloture?

The PRESIDENT pro tempore. Under the rule, it must have been presented prior to that time.

Mr. BARKLEY. Mr. President, I did not mean to obviate the necessity of reading the amendment. I think that is what the rule means. I did not mean to abrogate the rule by asking that a Senator be permitted merely to send his amendment to the desk.

The PRESIDENT pro tempore. Does the Senator wish to change his unanimous-consent request?

Mr. BARKLEY. If that was the impression I gave, it was an erroneous impression. I ask unanimous consent that all amendments presented and read under the rule, up until 4 o'clock p. m. on Saturday, be regarded as having been offered in compliance with the rule.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. SALTONSTALL. Mr. President, have not the rules been complied with so that the amendments which I have offered may be debated and voted upon after 4 o'clock p. m. on Saturday?

The PRESIDENT pro tempore. The Parliamentarian advises the Chair that the Senator has complied with the rule.

Mr. MILLIKIN. Mr. President, a point of order.

The PRESIDENT pro tempore. The Senator will state it.

Mr. MILLIKIN. Is not the Senator's right to debate his amendment, assuming that cloture is adopted, conditioned upon unanimous consent?

The PRESIDENT pro tempore. No; he has 1 hour, which he may use in any way he desires.

Mr. MILLIKIN. I note that rule XXII provides as follows:

Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time.

Perhaps I did not make my question clear. I ask the Chair, would not consent be required under those circumstances?

The PRESIDENT pro tempore. Not to debate the amendment, but only to offer a new amendment that had not been previously read.

Mr. KNOWLAND. Mr. President, I should like to ask the majority leader a question.

Mr. BARKLEY. I shall be glad to try to answer it.

Mr. KNOWLAND. I am not certain that I am clear on the point raised by the Senator from Massachusetts (Mr. SALTONSTALL). As I understand, he has presented his amendment, but the amendment has not yet been read. My question is, Will an opportunity be given between now and 4 o'clock p. m. on Saturday for the amendments which have been sent to the desk to be read, so that they will comply with the rule?

Mr. BARKLEY. Undoubtedly.

The PRESIDENT pro tempore. A special agreement was made about the two amendments submitted by the Senator from Massachusetts. He requested unanimous consent that they might be offered and considered as read; and, under the rule, he is entitled to that.

Mr. WHERRY. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. WHERRY. If other amendments are offered between now and the hour at which we are to vote on the cloture motion, will there have to be a special agreement as to them?

The PRESIDENT pro tempore. Under the rule, they would have to be read; but the rule may be waived and the amendment printed in the Record, which would be deemed as a compliance with the rule.

Mr. WHERRY. Would there have to be unanimous consent to that effect?

Mr. BARKLEY. No; they can be offered and read prior to 4 o'clock on Saturday.

Mr. WHERRY. Prior to 4 o'clock on Saturday?

The PRESIDENT pro tempore. Yes, under the rule.

Mr. MORSE. Mr. President, a few moments ago I submitted and sent to the desk an amendment in the nature of a substitute for Senate bill 101. I was laboring under the impression that the unanimous-consent agreement obtained by the majority leader would not make it necessary for me to request between now and 4 o'clock on Saturday that my amendment in the nature of a substitute be read.

The PRESIDENT pro tempore. The reading of the Senator's amendment was waived—which makes it in compliance with the rule.

Mr. MORSE. That puts my amendment in the same position as that of the

amendments offered by the Senator from Massachusetts; does it?

The PRESIDENT pro tempore. Exactly.

THE FULL EMPLOYMENT BILL—STATUS OF CONFERENCE REPORT

Mr. BARKLEY. Mr. President, I desire to call the attention of the Senate to the fact that the House has adopted the conference report on Senate bill 380, commonly known as the full employment bill. I hope that tomorrow there may be an opportunity to bring the conference report to the attention of the Senate and have it disposed of.

CONFIRMATION OF NOMINATION

Mr. BARKLEY. Mr. President, there is only one nomination on the Executive Calendar. I request that as in executive session, it be considered at this time.

The PRESIDENT pro tempore. Is there objection? Without objection, the nomination will be stated.

DEPARTMENT OF LABOR

The legislative clerk read the nomination of William S. Tyson, of North Carolina, to be Solicitor of Labor, Department of Labor.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed, as in executive session.

Mr. BARKLEY. I ask that the President be notified forthwith of the confirmation.

The PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Military Affairs.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. BARKLEY, from the Committee on Banking and Currency:

Henry A. Mulligan, of New York, to be a member of the Board of Directors of the Reconstruction Finance Corporation for a term of 2 years from January 22, 1946 (reappointment).

By Mr. McKELLAR, from the Committee on Post Offices and Post Roads:
Sundry postmasters.

FAIR EMPLOYMENT PRACTICE ACT

The Senate resumed the consideration of the bill (S. 101) to prohibit discrimination in employment because of race, creed, color, national origin, or ancestry.

Mr. BARKLEY. Mr. President, I wish to have it understood, in accordance with the agreement with the Senator from Louisiana [Mr. ELLENDER], that when the Senator from Louisiana yielded to me he did not lose the floor, and that that understanding will apply to the session tomorrow, no less than to the session today.

The PRESIDENT pro tempore. Without objection, the Senator from Louisiana will hold the floor.

RECESS

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 41 minutes p. m.) the Senate took a recess until tomorrow, Friday, February 8, 1946, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 7 (legislative day of January 18), 1946:

APPOINTMENTS IN THE REGULAR ARMY CHIEF OF ORDNANCE

Maj. Gen. Everett Strait Hughes (colonel, Ordnance Department), Army of the United States, for appointment in the Regular Army of the United States as Chief of Ordnance, with the rank of major general, for a period of 4 years from date of acceptance, vice Lt. Gen. Levin Hicks Campbell, Jr., who retires on May 31, 1946.

TO BE ASSISTANTS TO THE CHIEF OF ORDNANCE, WITH THE RANK OF BRIGADIER GENERAL, FOR A PERIOD OF 4 YEARS FROM DATE OF ACCEPTANCE

Maj. Gen. Gladeon Marcus Barnes (colonel, Ordnance Department), Army of the United States, vice Brig. Gen. Earl McFarland, United States Army, retired.

Maj. Gen. Henry Benton Saylor (colonel, Ordnance Department), Army of the United States, vice Maj. Gen. Charles Tillman Harris, Jr.

SELECTIVE SERVICE

J. Watt Page for appointment as State director of selective service for Texas under the provisions of section 10 (a) (3) of the Selective Training and Service Act of 1940, as amended.

Compensation for the position of State director of selective service for Texas will be at the rate of \$7,175 per annum.

Vivian B. Collins for appointment as State director of selective service for Florida under the provisions of section 10 (a) (3) of the Selective Training and Service Act of 1940, as amended.

Compensation for the position of State director of selective service for Florida will be at the rate of \$5,600 per annum.

CONFIRMATION

Executive nomination confirmed by the Senate February 7 (legislative day of January 18), 1946:

DEPARTMENT OF LABOR

William S. Tyson to be Solicitor of Labor.

HOUSE OF REPRESENTATIVES

THURSDAY, FEBRUARY 7, 1946

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Heavenly Father, the giver of all good, lead us to those spiritual heights where our very loftiness of thought and feeling become our best defense. Here we behold the Christ, waiting with long patience to unvell the face of God; here

we learn that he who exalteth himself shall be humbled, and he that humbleth himself shall be exalted.

O keep Thou the springs of our national life unpolluted and cause us to understand that intellect alone cannot solve our problems. We pray that more of the human heart may enter into the rigor of toil, the drudgery of service, and the harshness of law. Not by might, not by power, but by My Spirit, saith the Lord; otherwise the lamp of hope burns low and the stars grow dim. As there is no wealth but life, O vitalize us anew with this great force, lest we become mere reformers and temporal opportunists, rather than custodians of a day destined to move upward and onward. Amen.

The Journal of the proceedings of yesterday was read and approved.

APPOINTMENT OF FACT-FINDING BOARDS TO INVESTIGATE LABOR DISPUTES

The SPEAKER. The unfinished business is the reading of the engrossed copy of H. R. 4908.

The Clerk read the engrossed bill, as follows:

H. R. 4908

An act to provide for the appointment of fact-finding boards to investigate labor disputes seriously affecting the national public interest, and for other purposes

Be it enacted, etc.—

SHORT TITLE

SECTION 1. That this act may be cited as the "Labor Disputes Act, 1946."

DECLARATION OF POLICY

Sec. 2. It is declared to be the policy of the United States that labor disputes affecting the public interest should be settled fairly and, so far as possible, without interruption or delay in the production and distribution necessary to the public interest, and to that end it is the duty of both employers and employees to bargain in good faith. The right of labor to organize and bargain collectively with employers is one of the cornerstones of competitive enterprise. The processes of such bargaining must be protected and strengthened. Government is no less the guardian of the general welfare than of individual freedom. In a complex society warfare in one section of industry affects many others.

Government decision should not be substituted for free agreement, but governmental machinery to promote peaceful settlement of disputes should be improved. Demands of either labor or management should be kept within the bounds of reason and fairness, and both sides must recognize the rights of the general public.

The desired end of bargaining between management and labor is a contract. Once that contract is made, it must be equally binding and enforceable on both parties. Free collective bargaining and contracts resulting therefrom must not be nullified or destroyed by resort on either side to willful violence or unlawful possession, obstruction, or destruction of property. Collective bargaining requires that labor be on one side of the table and management on the other. The separate positions, responsibilities, duties, powers, and rights of labor and management must be maintained.

Legislation has heretofore been enacted to guarantee the right of collective bargaining. It is equally important that legislation be enacted to protect the rights of labor, industry, and the general public in the processes of collective bargaining. Wrongful and